INTERNET

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SITTING DAYS—2016

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RADIO BROADCASTS

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- BRISBANE   936AM
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- PERTH      585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

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

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

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

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

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<th>Senator</th>
<th>State or Territory</th>
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<tr>
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<td>Brandis, Hon. George Henry, QC</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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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

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

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

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

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

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary of the Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
<td>Hon. Malcolm Turnbull MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator Hon. Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator Hon. Michaelia Cash</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator Hon. Arthur Sinodinos AO</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator Hon. Michaelia Cash</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Digital Government</td>
<td>Senator Hon. Mitch Fifield</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter Terrorism</td>
<td>Hon. Michael Keenan MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Hon. Alan Tudge MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator Hon. James McGrath</td>
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<tr>
<td>Assistant Minister for Productivity</td>
<td>Hon. Dr Peter Hendy MP</td>
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<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator Hon. Scott Ryan</td>
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<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>Hon. Warren Truss MP</td>
</tr>
<tr>
<td>Minister for Territories, Local Government and Major Projects</td>
<td>Hon. Paul Fletcher MP</td>
</tr>
<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>Hon. Michael McCormack MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>Hon. Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>Hon. Andrew Robb AO MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Hon. Steven Ciobo MP</td>
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<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator Hon. Richard Colbeck</td>
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<td>Senator Hon. Richard Colbeck</td>
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<tr>
<td>Attorney-General</td>
<td>Senator Hon. George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Treasurer</td>
<td>Hon. Scott Morrison MP</td>
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<td>Minister for Small Business</td>
<td>Hon. Kelly O’Dwyer MP</td>
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<td>(Deputy Leader of Government in the Senate)</td>
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<tr>
<td>Acting Special Minister of State</td>
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<tr>
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<tr>
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<tr>
<td>Acting Minister for Cities and the Built Environment</td>
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<tr>
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<tr>
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<td>Senator Hon. Marise Payne</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Hon. Stuart Robert MP</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
<td>Hon. Stuart Robert MP</td>
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<tr>
<td>Acting Minister for Defence Materiel and Science</td>
<td>Senator Hon. Marise Payne</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>Hon. Darren Chester MP</td>
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<tr>
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<td>Senator Hon. Mitch Fifield</td>
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<td>Senator Hon. Mitch Fifield</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<tr>
<td>Minister for Employment</td>
<td>Senator Hon. Michaelia Cash</td>
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<tr>
<td>Minister for Social Services</td>
<td>Hon. Christian Porter MP</td>
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<td>Minister for Human Services</td>
<td>Hon. Stuart Robert MP</td>
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<tr>
<td>Assistant Minister for Multicultural Affairs</td>
<td>Senator Hon. Concetta Fierravanti-Wells</td>
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<tr>
<td>Assistant Minister for Social Services</td>
<td>Hon. Alan Tudge MP</td>
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<tr>
<td>Minister for Education and Training</td>
<td>Senator Hon. Simon Birmingham</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
<td>Hon. Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator Hon. Richard Colbeck</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952*. 

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</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>Hon. Bill Shorten MP</td>
</tr>
<tr>
<td><strong>Shadow Minister Assisting the Leader for Science</strong></td>
<td>Senator the Hon. Kim Carr</td>
</tr>
<tr>
<td><strong>Shadow Minister Assisting the Leader on State and Territory</strong></td>
<td>Senator Katy Gallagher*</td>
</tr>
<tr>
<td><strong>Shadow Minister for Women</strong></td>
<td>Senator Claire Gallagher*</td>
</tr>
<tr>
<td><strong>Manager of Opposition Business (Senate)</strong></td>
<td>Senator the Hon. Michael Danby MP</td>
</tr>
<tr>
<td><strong>Shadow Cabinet Secretary</strong></td>
<td>Senator the Hon. Jacinta Collins</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary to the Leader of the Opposition</strong></td>
<td>Hon. Michael Danby MP</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary to the Leader of the Opposition</strong></td>
<td>Hon. Ed Husic MP</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary Assisting with Digital Innovation</strong></td>
<td>Senator Sam Dastyari</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary to the Leader of the Opposition</strong></td>
<td>Terri Butler MP</td>
</tr>
<tr>
<td><strong>Deputy Leader of the Opposition</strong></td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs and International Development</strong></td>
<td>Hon. Matt Thistlethwaite MP</td>
</tr>
<tr>
<td><strong>Leader of the Opposition in the Senate</strong></td>
<td>Senator the Hon. Penny Wong</td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade and Investment</strong></td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td><strong>Deputy Leader of the Opposition in the Senate</strong></td>
<td>Senator the Hon. Stephen Conroy</td>
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<tr>
<td><strong>Shadow Minister for Defence</strong></td>
<td>Hon. David Feeney MP</td>
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<tr>
<td><strong>Shadow Minister for Veterans’ Affairs</strong></td>
<td>Hon. David Feeney MP</td>
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<tr>
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<tr>
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<td>Gai Brodtmann MP</td>
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<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>Hon. Anthony Albanese MP</td>
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<tr>
<td><strong>Shadow Minister for Tourism</strong></td>
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<tr>
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<td>Hon. Gary Gray AO MP</td>
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<tr>
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<td>Hon. Julie Collins MP</td>
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<tr>
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<td>Hon. Alannah MacTiernan MP</td>
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<td><strong>Infrastructure</strong></td>
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<tr>
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<tr>
<td><strong>Shadow Parliamentary Secretary for Northern Australia</strong></td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for External Territories</strong></td>
<td>Hon. Warren Snowdon MP</td>
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<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>Hon. Chris Bowen MP</td>
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<tr>
<td><strong>Shadow Minister for Small Business</strong></td>
<td>Michelle Rowland MP</td>
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<tr>
<td><strong>Shadow Assistant Treasurer</strong></td>
<td>Hon. Dr Andrew Leigh MP</td>
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<tr>
<td><strong>Shadow Minister for Competition</strong></td>
<td>Dr Jim Chalmers MP</td>
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<tr>
<td><strong>Shadow Assistant Minister for Productivity</strong></td>
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<tr>
<td><strong>Shadow Parliamentary Secretary to the Shadow Treasurer</strong></td>
<td>Hon. Ed Husic MP</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for Small Business</strong></td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Finance</strong></td>
<td>Hon. Tony Burke MP</td>
</tr>
<tr>
<td><strong>Manager of Opposition Business (House)</strong></td>
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<tr>
<td>TITLE</td>
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<tr>
<td>Shadow Special Minister of State</td>
<td>Hon. Gary Gray MP</td>
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<tr>
<td>Shadow Minister for Environment, Climate Change and Water</td>
<td>Hon. Mark Butler MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Environment, Climate Change and Water</td>
<td>Senator the Hon. Lisa Singh</td>
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<tr>
<td>Shadow Minister for Higher Education, Research, Innovation and Industry</td>
<td>Senator the Hon. Kim Carr</td>
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<tr>
<td>Shadow Minister for Vocational Education</td>
<td>Hon. Sharon Bird MP</td>
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<tr>
<td>Shadow Assistant Minister for Higher Education</td>
<td>Hon. Amanda Rishworth MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Manufacturing</td>
<td>Nick Champion MP</td>
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<tr>
<td>Shadow Minister for Communications</td>
<td>Hon. Jason Clare MP</td>
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<tr>
<td>Shadow Attorney-General</td>
<td>Hon. Mark Dreyfus QC MP</td>
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<tr>
<td>Shadow Minister for the Arts</td>
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<tr>
<td>Deputy Manager of Opposition Business (House)</td>
<td></td>
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<tr>
<td>Shadow Minister for Justice</td>
<td>Hon. David Feeney MP</td>
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<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Graham Perrett MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Arts</td>
<td>Hon. Michael Danby MP</td>
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<tr>
<td>Shadow Minister for Education</td>
<td>Hon. Kate Ellis MP</td>
</tr>
<tr>
<td>Shadow Minister for Early Childhood</td>
<td>Hon. Amanda Rishworth MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Early Childhood Education</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for School Education and Youth</td>
<td>Senator Sam Dastyari</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture, Fisheries and Forestry</td>
<td>Hon. Joel Fitzgibbon MP</td>
</tr>
<tr>
<td>Shadow Minister for Rural Affairs</td>
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<tr>
<td>Shadow Minister for Resources</td>
<td>Hon. Gary Gray AO MP</td>
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<tr>
<td>Shadow Minister for Health</td>
<td>Hon. Catherine King MP</td>
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<tr>
<td>Shadow Minister for Ageing</td>
<td>Hon. Shayne Neumann MP</td>
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<tr>
<td>Shadow Minister for Mental Health</td>
<td>Senator Katy Gallagher</td>
</tr>
<tr>
<td>Shadow Minister for Sport</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Shadow Assistant Minister for Health</td>
<td>Stephen Jones MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Health</td>
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<tr>
<td>Shadow Parliamentary Secretary for Aged Care</td>
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</tr>
<tr>
<td>Shadow Minister for Families and Payments</td>
<td>Hon. Jenny Macklin MP</td>
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<tr>
<td>Shadow Minister for Disability Reform</td>
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<tr>
<td>Shadow Minister for Housing and Homelessness</td>
<td>Senator Katy Gallagher*</td>
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<tr>
<td>Shadow Minister for Human Services</td>
<td>Senator the Hon. Doug Cameron</td>
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<tr>
<td>Shadow Minister for Carers</td>
<td>Senator Claire Moore</td>
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<tr>
<td>Shadow Minister for Communities</td>
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<tr>
<td>Shadow Parliamentary Secretary for Families and Payments</td>
<td>Senator Carol Brown</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Child Safety and Prevention of Family Violence</td>
<td>Terri Butler MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Border Protection</td>
<td>Hon. Richard Marles MP</td>
</tr>
<tr>
<td>Shadow Minister for Citizenship and Multiculturalism</td>
<td>Michelle Rowland MP</td>
</tr>
<tr>
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<td>Hon. Matt Thistlethwaite MP</td>
</tr>
<tr>
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<td>Hon. Shayne Neumann MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Indigenous Affairs</td>
<td>Hon. Warren Snowdon MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Hon. Brendan O’Connor MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Services</td>
<td>Hon. Julie Collins MP</td>
</tr>
</tbody>
</table>
Shadow Cabinet Ministers are shown in bold type.

* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
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The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read
prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: Documents and returns to order are tabled pursuant to statute. Lists are
available from the Table Office or the chamber attendants.

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

COMMITTEES

Meeting

The Clerk: Proposals to meet have been lodged as follows: by the Finance and Public
Administration Legislation Committee for a private meeting on 4 February from 9.45 am; by
the Select Committee on Health for public meetings on 2 and 3 February from 4.30 pm; and
by the Rural and Regional Affairs and Transport References Committee for a public hearing
on 3 February from 4 pm and a private briefing on 4 February from 5 pm.

The PRESIDENT (12:31): Does any senator wish to have the question put on any of
those motions? There being none, we will proceed.

STATEMENT BY THE PRESIDENT

Australian Senate

The PRESIDENT (12:31): I wish to make a statement to the Senate. As we begin our
sittings for this year, I would like to remind all senators about standards that will be applied
by the chair, particularly during question time, based on standing orders, longstanding
practice and rulings of past presidents. Before Christmas I wrote to party leaders and whips
about some of these matters, which are often raised by members of the public with
my office.

Firstly, arguing and backchatting with the chair after a decision or ruling has been given is
disorderly. Standing order 197 does provide senators with a right to take points of order but
must be used appropriately. Persistent failure to come to order when requested to do so by the
chair is also disorderly. Similarly, the level of noise and interjections in the chamber often
make it impossible for me and others to hear and adjudicate on questions and answers. This is
the national parliament; this is not a sporting contest. I do not have access to instant replay, so
it can sometimes be very difficult.

Moreover, chairing the Senate is not a group participation activity. It is for the President to
apply the standing and other orders. All questions of relevance are a matter for the judgement
of the chair, a duty confirmed by the Procedure Committee back in 1994.

Under current rules, ministers must be directly relevant in their answers to the question
asked, but it is also important to recognise that relevance and responsiveness are not the same
concepts. This is a point which has been made by several of my predecessors, explaining that
the chair cannot direct a minister how to answer a question or to give a particular answer. If I
consider that ministers are not being directly relevant to the question, I will continue to draw
their attention to the question, ask them to return to the question and remind them of the time
remaining in which to answer that question. My expectation is that ministers will respond appropriately.

It has often been pointed out that questions might be more effective if they contained less extraneous material, including quotes, assertions, allegations, insinuations or other such material. After all, questions in their purest sense are for the purpose of seeking information, and answers should be similarly confined to providing that information.

However, if a question does contain additional material, the minister is directly relevant in his or her answer if he or she refers to subjects raised in that material. If a question contains a political barb, the minister is entitled, while remaining relevant and within the standing orders, to return the compliment. If senators require ministers to confine their answers strictly to a defined subject then the question itself must be confined to that subject. Again, I would expect ministers to confine the answers to that question.

In addition, supplementary questions must comply with the existing rules—namely, that they are for the purpose of elucidating information arising from the original answer and not for the purpose of introducing new or additional material or proposing a new question, even though such a new question might be related to the subject matter in the original question.

I hope that if senators comply with these rules question time will be far better for it and the Australian people will hopefully respond more favourably to the conduct of the Senate. I thank senators.

MINISTERIAL ARRANGEMENTS

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (12:35): I present a revised ministry list and seek leave to have the list incorporated into Hansard.

Leave granted.

The document read as follows—

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
<th>Other Chamber</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Malcolm Turnbull MP</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Digital Government</td>
<td>Senator the Hon Mitch Fifield</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter Terrorism</td>
<td>The Hon Michael Keenan MP</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
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<tr>
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<td>Senator the Hon James McGrath</td>
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<tr>
<td>Assistant Minister for Productivity</td>
<td>The Hon Dr Peter Hendy MP</td>
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<tr>
<td>Assistant Cabinet Secretary</td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
<td>Title</td>
<td>Minister</td>
<td>Other Chamber</td>
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</tbody>
</table>
| Minister for Infrastructure and Regional Development  
(Deputy Prime Minister) | The Hon Warren Truss MP | Senator the Hon Richard Colbeck |
| Minister for Territories, Local Government and Major Projects | The Hon Paul Fletcher MP | Senator the Hon Richard Colbeck |
| Assistant Minister to the Deputy Prime Minister | The Hon Michael McCormack MP | Senator the Hon Richard Colbeck |
| Minister for Foreign Affairs | The Hon Julie Bishop MP | Senator the Hon George Brandis QC |
| Minister for Trade and Investment | The Hon Andrew Robb AO MP | Senator the Hon Arthur Sinodinos |
| Minister for International Development and the Pacific | The Hon Steven Ciobo MP | Senator the Hon George Brandis QC |
| Minister for Tourism and International Education | Senator the Hon Richard Colbeck | The Hon Andrew Robb AO MP |
| Attorney-General  
(Vice-President of the Executive Council)  
(Leader of the Government in the Senate) | Senator the Hon George Brandis QC | The Hon Michael Keenan MP |
| Minister for Justice | The Hon Michael Keenan MP | Senator the Hon George Brandis QC |
| Assistant Minister for Multicultural Affairs | Senator the Hon Concetta Fierravanti-Wells | |
| Treasurer | The Hon Scott Morrison MP | Senator the Hon Mathias Cormann |
| Minister for Small Business | The Hon Kelly O'Dwyer MP | Senator the Hon Mathias Cormann |
| Assistant Treasurer | The Hon Kelly O'Dwyer MP | Senator the Hon Mathias Cormann |
| Assistant Minister to the Treasurer | The Hon Alex Hawke MP | |
| Minister for Finance  
(Deputy Leader of Government in the Senate) | Senator the Hon Mathias Cormann | The Hon Scott Morrison MP |
| Acting Special Minister of State | Senator the Hon Mathias Cormann | The Hon Scott Morrison MP |
| Minister for Agriculture and Water Resources  
Assistant Minister for Agriculture and Water Resources | The Hon Barnaby Joyce MP | Senator the Hon Richard Colbeck |
| Minister for Industry, Innovation and Science  
(Leader of the House) | The Hon Christopher Pyne MP | Senator the Hon Arthur Sinodinos |
| Minister for Resources, Energy and Northern Australia | The Hon Josh Frydenberg MP | Senator the Hon Nigel Scullion |
| Assistant Minister for Science | The Hon Karen Andrews MP | |
Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952.*
Debate resumed on the motion:
That this bill be now read a second time.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (12:36): It is a great honour to kick off 2016 with the first contribution. I am in continuation on a speech that I think I started back in May last year, so forgive me if I am a bit rusty on some of the details of this bill. I had a lovely break with the family over Christmas and, during that break, I forgot most of what was in the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. But I swotted up on it this morning and I am ready to make a further contribution on this very important bill. It is rather an administrative and process driven bill, but nonetheless it is important because it is about ensuring, ultimately, that we have a more financially robust and sound way of ensuring people who are injured at work receive appropriate compensation.

As I am sure you are aware, Mr President, the Comcare scheme is the Australian government scheme to help and rehabilitate workers who are injured, largely in Commonwealth workplaces but other agencies can be members of this scheme. Some Commonwealth agencies have their own arrangements and are not members of the Comcare scheme. The ACT previously had an arrangement where it was a member of this scheme for the purposes of its employees and was defined as a Commonwealth agency for those purposes. The need for this bill to amend the Safety, Rehabilitation and Compensation Act 1988 has largely been brought about because the ACT has made a decision to leave this scheme, which is their right. They have previously been a member of the scheme, but they have decided that it is too costly and there are too many delays, and they are going to seek their own arrangements for their public servants and employees. It is perfectly their right to do so. This decision was announced last February; on 26 February The Canberra Times reported that the ACT government would be leaving the scheme. Because of that, the Commonwealth government has decided that it is important to ensure the continuing financial viability of the Comcare scheme, notwithstanding the ACT leaving, because many of the employees or former employees who require compensation under the scheme are or were ACT public servants. Of course, with the ACT government leaving the scheme, there will be fewer premiums going forward to fund those costs. Indeed, my understanding is that the ACT government is the fourth-largest premium payer in the Comcare scheme, so it is a sizeable contributor to the overall budget. Given the sizeable number of ACT public servants, there would also be a sizeable number of those receiving compensation through the Comcare scheme. So the ACT’s leaving will leave a financial burden for Comcare, and is very important we maintain its financial viability. To do so, the government has proposed providing arrangements for an exit fee for members who seek to exit the Comcare scheme. In this case, when the ACT exits, a fee will be calculated based on the actuarial value of the future commitments for those former ACT public servants and their compensation needs, and the ACT government will pay to leave the scheme.
It is not a particularly novel approach to these arrangements. I made the point back in May that we have similar arrangements for irrigators who leave an irrigation scheme without paying or amortising the full cost of the network. When they leave, they have to pay an exit fee so that the rest of the irrigators are not left with those costs. The same arrangements will apply here. The ACT government will be asked to pay a fee so that all the other Commonwealth agencies are not asked to pick up the bill for ACT government employees.

It is also something that exists in other parts of the country. While this is the first time we will establish such an arrangement for Commonwealth workplace compensation, my understanding is that workplace compensation arrangements in New South Wales, Victoria, Queensland and South Australia all allow for an exit fee to be charged to agencies or organisations that leave their schemes. Those arrangements are similar to what we are proposing. It is a perfectly sensible approach to this particular issue that has arisen as a result of the ACT decision. While it is the first time we will set up an ongoing, committed and generic arrangement for exit fees, the Commonwealth parliament established similar arrangements when Medibank Private was privatised and it left the Comcare scheme. A fee was calculated for it, and special legislation was agreed to by the Australian parliament at the time to establish the authority to levy that fee. What we are doing here is simply repeating that approach, but we are not doing something specific for the ACT government. Instead, we are setting up a process which would apply if, in the future, any payer that is currently a Comcare premium payer decided to leave the Comcare scheme.

The Senate Education and Employment Legislation Committee, chaired by my colleague Senator McKenzie, has looked at this issue as well. It recommended we should pass this particular scheme. It noted in its report that the current Comcare scheme is actually not fully financially funded. It is not fully funded right now because, over time, premiums in the past were not set based on actuarial values. Premiums paid into the scheme did not fully cover the costs of workplace injuries. However, there has been a slight improvement over the past year. I believe it had 68 per cent of funds available for what was measured as the actuarial funds needed. Around 68 per cent were covered. I believe that has gone up above 70 per cent in the past year, but there is still a sizeable unfunded gap there. Given that gap, we cannot afford to have that gap grow by not appropriately levying the ACT government for the ongoing costs imposed on the Comcare scheme by leaving and, of course, no longer paying premiums for its workplace employees who have been injured.

As I said, the Senate committee in its majority report recommended the bill be passed. However, I note that Labor senators on that committee did not quite agree. I do not believe they made a recommendation, but in their report Labor senators urged the government to request that the ACT government provide written assurances to ensure its workers would not be worse off. What that was going to was that the ACTU made a submission to the inquiry, saying that the new ACT workplace compensation scheme that could be established may not fully compensate workers for their injuries to the same level that the Comcare scheme does. As the government said in response to that, it is a matter for the ACT government. It is not a matter for the Commonwealth government. The Comcare scheme was not established to take care of ACT government employees. It was set up to allow the ACT government to have access to a well-funded and liquid pool of workplace insurance to meet its required needs—needs that it would establish. It is not our job to establish those needs; it is up to the ACT
government. It is not the Commonwealth government's responsibility to decide how the ACT wants to deal with and fund workplace injuries in its own workplaces. We had this option available as a product. The ACT government has decided not to buy our product going forward. That is their right, but it is not our job to try to second guess what they want to do over the other side of the lake in their legislative assembly.

What was also a little bit unusual and perplexing about the Labor senators' recommendation that we request the ACT government to provide such assurances is that, as I said earlier, the ACT government made this decision and it was announced on 26 February last year. As many senators would be aware, the ACT Chief Minister at that time was Katy Gallagher, who is now a Labor senator in this place. Labor senators are saying that the decision made by that ACT government in February last year was insufficient and denied workers their proper rights. Well, instead of asking the ACT government, could they not just ask their colleague Senator Gallagher? That would be a suggestion for the Labor Party if they have concerns about this.

If they have concerns about the decision that the ACT government made last February, surely they could ask the former chief minister, who made that decision and signed off on that decision last February. They signed off on that decision last February. It was a decision made by Ms Katy Gallagher. I make no particular complaint about that decision. I do not know the specifics of what the ACT government had to consider when they decided to leave the Comcare scheme, but they made a considered decision to do so. Ms Katy Gallagher is now Senator Gallagher, senator for the ACT, and surely if they want an explanation about the decision making of the ACT government they could go to their own senator.

What this indicates to me is not that the Labor Party have some principled objection to the arrangements that are being put in place here—which, as I said, are rather technical and are replicated over the rest of the country, but that the Labor Party simply want to oppose everything that is put up by this government. They do not want to do anything that may be constructive and forward moving for our country, as limited as this particular issue is. They are simply on the lookout for particular political differences that they can abuse and take advantage of for political purposes, not for national interest purposes. That to me needs to be called out. Why are they really opposing this bill? Is it because the ACTU have said to do so and they have made a submission against it? Is it because some of them see Senator Gallagher as a threat to their future positions? She has just been promoted recently. Is that the reason? Why are they opposing this? A territory government of their own political colour has decided to do this, and they are still opposing it. This is a legislative amendment being proposed as a consequence of that ACT decision, but it is being proposed by a Liberal-National government and not by a Labor government. That is why they are opposing this.

I know the federal Labor Party seem to like to pick fights with state and territory governments at the moment. They are warring with at least one state Labor government at the moment, South Australia, about their confused position on how to fund policies. At the moment it is World War III between South Australia and the federal Labor Party over the GST. But you would think they could at least get their story straight on something as administrative as workplace compensation arrangements. But they cannot even do that. They will oppose everything we put up.
I think later this afternoon or this evening we will debate in this chamber a motion about how the Liberal-National party coalition have not changed. We have not changed, because we are continuing to provide good government and are continuing to make decisions like this in the interests of the nation. But the Labor Party also have not changed. A new year may have ticked over, but it is the same Labor Party opposing everything we put up. It is the same Labor Party simply wanting to make political points and not wanting to deal with issues overall in the national interest. They just oppose everything that the coalition government does. They are good at negativity, but they are not good on policy, and that is what their approach is here today.

Maybe I am being too pessimistic, Mr President. Perhaps I should be less cynical in my first contribution here today in this chamber. Maybe I should be more positive. I did say that I would turn over a new leaf on a few things. So maybe I should give the Labor Party a bit more of a fair go. Perhaps the next speaker on this bill will get up and say that over the break the Labor Party have reconsidered, they have turned over a new leaf, they have made a new year's resolution not to simply oppose everything, and they will come out and support this bill because it is pretty simple, it is technical and administrative and it happens in other states. Perhaps they will get behind the government and support this bill. Perhaps that is what they will do.

It is a new year and it is a new opportunity. Hopefully they have made some new year's resolutions, like the rest of us, and perhaps that is what they will do. If they do, I will have to come into this place and eat humble pie and I will have to say, 'The Labor Party have turned over a new leaf and they are going to support this.' Perhaps their next step will be to support more transparency and oversight of trade unions that have shown themselves to be completely worried about their own back pockets and not their workers' interests. Hopefully their next step will be that they join us in making sure that we reform those arrangements.

Maybe their next step will be to actually join us in how to fix our budget situation, which is still far too negative. We need to do more on that front, but the Labor Party have produced no suggestions to help fund budget repair over the longer term. Perhaps they will join us in a proper tax reform debate, rather than going around and eating lettuce and annoying mums and dads in supermarkets and running a ridiculous scare campaign. Perhaps they will do that as well but, I am sorry, Mr President, despite it being a new year, I am not that hopeful that the Labor Party will be dragged that far. But let us just hold our breath and hope that they will reconsider and join the coalition government here, the Liberal Party, the National Party, many of the crossbenchers and at times the Greens and actually help us to get something done for this country and move this place forward.

As I said, this issue in front of the government is not a nation-changing issue. This is not going to be a watershed moment for our Commonwealth. But it is small example of how an inflexible negative approach stops us from making the little decisions that add up to making this a better place and enabling better government and better governance for our whole nation. So I implore the Labor Party and other senators to look at the detail of this bill. It is a sensible bill. It builds on what is already a good scheme in Comcare. It uses other states as examples of what should be done in this scheme. It will help make sure that we have a sound financial footing for what is a very important scheme and it will help ensure that we can continue to pay those unfortunate workers who are injured while at work for the Commonwealth.
Senator LUDWIG (Queensland) (12:51): Just at the outset I note that Senator Canavan would not be a true Nat if he was not always in the doldrums. Nothing much has changed in relation to this bill over the Christmas break. He may have wished them all Christmas cheer, but this bill does not bring workers any cheer. The purpose of this bill is to amend the Safety, Rehabilitation and Compensation Act 1988, which provides for the rehabilitation and compensation of injured employees of the Commonwealth, its agencies and statutory authorities and of eligible corporations. What this government has not owned up to is that it has brought this bill in by itself. This bill is really one part of three; it is a trio of bills through which this government is seeking to implement changes to Comcare and which will, when put together, significantly and adversely impact workers in this country. This particular piece of legislation concerns the exit arrangements for a declared Commonwealth authority which decides to exit the scheme. The Australian Capital Territory announced back in February last year its intention to leave the Commonwealth scheme and design its own scheme after a six-week consultation process.

The problem with debating this bill in isolation is that we are not privy to the two other bills that the government has been trying to bring through this parliament. They sought to claim that they are not interrelated and to claim that they are not part of a trio of changes which will negatively impact workers under this scheme. What Labor continues to be concerned about is that this government should own up to this. They should declare that it is one of three bills; they should deal with them concurrently; they should deal with them appropriately. But I do not think they are game to do that. They want to be able to introduce this as a noncontroversial piece of legislation and then to persuade the Senate that we should adopt this one—or try to do—what they did in Queensland many years ago, and that was to move to self-insurance; that is, they want to put it into the market so that workers’ rights would no longer be covered by schemes that would give them a fairness opportunity and protect their legitimate compensation rights. That happened in Queensland: a previous coalition or Liberal-National government allowed self-insurance to occur, but around 21 large companies, including the Brisbane City Council, opted out of the scheme. That meant that the pool of white-collar workers significantly decreased and the remainder were left with high premiums. Further, they were left with some challenging industries that needed to improve their workers compensation and the safety outcome for workers.

Those with lower premiums exit the scheme and that makes the remainder even less viable. The whole idea in Queensland was to junk the state scheme, and in this case the Commonwealth scheme, and allow the private market to flourish. It all sounds laissez-faire, but it means Commonwealth workers lose out. They end up in poor and overly watched schemes; they end up with compensation payments that are not related to their income and so they lose out. Underpinning all of this is the coalition’s intention to head towards what the Queensland government tried to achieve back then. Thankfully, that was reversed by an incoming Labor government, which implemented a much stronger state based scheme—a scheme which looked after workers’ interests but which adopted a carrot-and-stick approach to ensure that employers were rewarded with lower premiums if they looked after the safety of their employees. However, a number of self-insured entities remain in Queensland. I do not
think the coalition have a stronger scheme as their root cause or their root desire here. What they ultimately want to do is put it out into the field to the detriment of workers more broadly.

The impact of these bills would be to reduce the premium pools in state workers compensation schemes. Labor's priority is, however, to ensure that workers are looked after and their rights and entitlements are maintained. If a worker is injured on the job, they must be properly compensated; and their families must be able continue as before during this difficult period. Labor remains concerned that, with the introduction of this legislation, the government does not have the workers' best interests at heart; it is also concerned that there has been a lack of consultation.

This government has not come clean with its aim by serving up the three bills, by claiming them to be unrelated and by arguing them one at a time. It smacks of a concerted effort to drive workers compensation down into the hands of self-insurers. The government has said that these changes to the Comcare scheme are designed to make the scheme more sustainable over time. That seems to mean cutting money out of schemes, which would mean a worse outcome for employees. I do not think you can look at it any other way. The government certainly have not claimed there is going to be any significant administrative saving that they can pass on. These bills, if passed, will see cuts to lump-sum compensation payable for permanent impairment for the vast majority of injured workers and they will remove the already modest pain-and-suffering payment. These bills will also mean changes to eligibility requirements, where injured workers may be locked out of schemes altogether. There will be a reduction in incapacity payments and an expansion of sanctions against workers, including: the removal of medical support if a worker fails to attend a medical appointment and harsh job search requirements for injured workers if they say they have no suitable employment, in which case they will need to find a job with a new employer or take up self-employment. There will be a new, punishing approach to workers with psychiatric injuries. Employers will have the right to impose health related and work capacity decisions. Workers will have no independent right of review when an employer orders them back to work. That is the direction that this government wants to take, with this bill being the first of the related bills. I think they should be highlighted for the path and direction they are pursuing.

In dealing more broadly with this bill, I think that Labor senators in the Education and Employment Legislation Committee made some very apposite remarks in their additional comments. Whilst Labor senators support legislation to ensure that an exiting employer does not leave the Comcare scheme without contributing an appropriate amount to cover any current or prospective liabilities that are not funded by premiums the employer has paid before exit, the real heart of this issue is that we must ensure that no workers will be worse off under this legislation and that the passage of this bill will not provide an incentive for employers to disadvantage workers. Ultimately, the majority report did not address this in any significant way.

We have dealt with this bill as a bureaucratic piece of legislation which will allow the ACT to exit the Comcare scheme, but ultimately we have not dealt with it as an instrument of how workers will be worse off if it is passed. Ultimately, the aim of this coalition government is to pass the costs of workers' compensation not onto employers but back onto employees themselves. We note, as outlined in senators' additional comments, that the reason for referring this bill to the committee was to ensure a thorough investigation of the bill and to
allow sufficient time to consider the bill. However, since this bill was referred to the
committee, the government introduced what I referred to earlier as the third substantive bill
relating to Comcare. Given we do not have that bill before us, I think it means ultimately that
there is nothing stopping the government, now that those bills have been introduced, from
bringing them all together, laying out this strategy and telling us in no uncertain words what
their intentions are. When you look at the related bills, it seems to be crystal clear that the
legislation is all about attacking workers' rights. Labor senators remain unconvinced by the
Department of Employment submission that the passage of this bill would not result in a
reduced premium pool in state workers' compensation schemes, about which concerns were
raised by the ETU and the Victorian government.

If you were going to improve the outcomes for Comcare workers and broadly allow for
exits out of the Comcare scheme into state based schemes, you would not do it this way, by
simply allowing the ACT government to exit the scheme, reducing the premium pool, and
allowing others in state systems to exit Comcare and jump into less onerous state schemes.
You would deal with states and territories more holistically to ensure that workers did not lose
significant benefits on the way through. I do not think this government has any intention of
doing that. When you look at the range of parts to the bills that are not before us, the picture
becomes a lot clearer. This is simply the first tranche in that direction that this government is
pursuing. When you look at the proposals that have been put forward—that employees who
have been injured would not be allowed to choose their own doctor under Comcare, that
approval of doctors and amounts payable would be set by regulation, and that it is Comcare
that would determine what is and is not considered reasonable treatment, not an employee's
treating doctor—you then get a flavour of the direction in which this government wants to
take Comcare. To suggest that any person other than the treating doctor should determine the
necessary treatment for an injured worker is quite frankly beyond belief. The bill also
proposes severe cuts to incapacity payments for all workers. This would be particularly
detrimental and would have the toughest impact on those employees with injuries which take
longer to resolve or those who are permanently and significantly disabled. You can see that
this is simply an attack on workers' entitlements to workers' compensation.

The government has sought the support of Labor and the crossbench for this legislation. I
would urge the crossbench to reject this bill as part of a trilogy of bills through which this
government is seeking to cut compensation outcomes for workers. Our first priority should be
to ensure that workers will not be worse off under the proposed federal government bill.
There is no such clear guarantee coming from this government on that point. We have heard
speakers talk about this bill but not give a guarantee that workers will not be made worse off
as a consequence of its introduction. It is within the minister's power, in her summing up
speech on the second reading, to state that it is not the intention to rip money out of workers'
pockets, to short-change them on compensation payments, to make it difficult or impossible
to achieve a reasonable workers' compensation outcome. It is important that this government
does not make adverse changes to the Comcare scheme, because those proposed changes
would directly and indirectly risk the workplace health and safety of Australian workers.

In the first Comcare bill that the government introduced it sought to hollow out state
schemes by opening up the Comcare scheme to private sector companies by applying a very
liberal definition of what a national employer is. The reduced premiums pools in state

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workers compensation schemes would mean increasing premiums for remaining businesses in those schemes and would add significant pressure on workers' entitlements. This bill, if constructed incorrectly, may provide leverage for the federal government to force entities to stay in the Comcare scheme, which the now Turnbull government is going to try and make further adverse changes to. We know that the government has more bills to come. It has at least made its plan more transparent than it was when this bill was first introduced. I think the time is now right for this government to lay out its entire plan of how it is going to address Comcare from go to whoa and what its intentions are, because we can only now glean it from the trilogy of bills it seeks to have passed in this parliament. This government should make plain what its intentions are in relation to workers compensation, particularly Comcare itself, when you look at its intentions more broadly. But I do not think they will. I think they will continue to say, 'This is one single bill. This is about allowing the ACT to exit the Comcare scheme and nothing more.' I do not think that is a reasonable answer to this.

When you look at self-insurance issues, these bills will widen the pool of employers' eligibility for self-insurance. It will enable an employer with employees in more than one state to apply for a self-insurance licence, which exempts them from paying premiums in those states where it is currently registered, and will allow an employer to be responsible for managing its own workers compensation claims. This occurred in Queensland in the nineties. It was unsuccessful and it did not last. It did have a significant adverse impact on the existing workers compensation scheme in that state. I think it would have ultimately driven it into oblivion. I think that is the underlying direction that this government wants to take—to drive workers compensation into self-insurance markets, drive it away from properly funded compensation schemes for employees and put it in the employers' hands so that they can drive premiums down. They can do that by driving outcomes for workers down by making it harder and harder for employees to be fairly compensated for when unfortunate injuries do occur in the workplace. Ultimately it will do nothing to improve and incentivise employers to provide good safety outcomes for their employees in the first instance, because, of course, the best way to avoid an injury is to have a safe place of work in the first place and not have to ultimately pay workers compensation.

But I think the employers who have the ear of this government want the best of both worlds. They want the ability to not spend their money on ensuring a safe place of work and then not spend their money on premiums to assist workers should they be injured as a consequence of their own inactions or neglect. Of course, the most concerning aspects of these bills is the absence of a robust regulatory framework for managing self-insurers. What this government would do, if it was serious about dealing with this in a broad way, would be to also implement a regulatory framework for managing self-insurers. It would not be a trilogy of bills. There would be four bills to deal with this.

Senator XENOPHON (South Australia) (13:11): Can I indicate at the outset that I will be supporting the second reading stage of the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. But I do reserve my position in respect of the third reading stage because there are a number of legitimate questions that need to be asked and ventilated in the committee stages. That is what the role of the Senate is on an important piece of legislation such as this. I want to thank the minister and her office for their assistance today, and I also thank the opposition. I met with the shadow minister, Brendan
O'Connor, early today and spoke to his office about that. I do have a number of unanswered questions about the position of both the government and the opposition in respect of this.

I think it is interesting to note that in the additional comments to the Senate Education and Employment Legislation Committee's report on this bill from a number of months ago Labor senators expressed some reservations about the bill rather than outright opposition. I accept and respect that the opposition has since changed its position, as they are entitled to, to oppose the bill. But I want to take issue with one thing that Senator Ludwig said. It is not a criticism, but it is an issue—he is coming back into the chamber.

Senator Ludwig interjecting—

Senator XENOPHON: I would not be too worried, Senator Ludwig. Senator Ludwig says that this bill will allow for a reduction in the benefits of injured workers. The only thing that will allow for the reduction of the benefits of injured workers will be if the ACT government imposes a scheme that will reduce the benefits for injured workers compared to the Commonwealth scheme. I suppose one argument is that, in respect of the Comcare scheme, it allows an exit to something that is unknown, so I will accept that. But ultimately it is up to the ACT government as to whether they want to take a draconian approach in respect of this.

I do want to disclose that I am still, for my sins, proprietor of a very small law firm that practices in the field of workers compensation law in South Australia. My understanding is that we do very little Comcare work. I was, in my previous prepolitical life, president of the Australian Plaintiff Lawyers Association in South Australia, as it then was, when we campaigned very hard against the then Olsen Liberal government's changes to workers compensation laws. I remember that Graham Ingerson, who I regard as a friend of mine and who was then Deputy Premier, asked me about my time as a member of the Communist Party at university. I had to tell him gently that, in fact, I was a member of the Liberal club, when he accused me of being a Marxist for opposing the legislation.

I can say this: whatever the then Brown and Olsen Liberal governments proposed in workers compensation changes was very mild in comparison to what a state Labor government ended up doing years later. From 1 July 2015, the Weatherill government has introduced draconian changes to workers' rights—much more sweeping and much more draconian than anything a Liberal government proposed. It has taken away workers' rights substantially, and it seems that some unions—including the peak body, SA Unions—rolled over in relation to those changes, which I will refer to briefly.

The framework established by this bill will allow Comcare to determine and collect exit contributions from former Commonwealth authorities. Senator Cash has characterised this—and I think it is not unfair to characterise it—as a procedural bill, a process bill, because, if an entity such as the ACT government wants to exit the scheme, it can do so but there will be some ambiguities or some uncertainty in respect of the transitional provisions. I guess the question I want to ask in respect of the committee stage is: will the absence of this bill make it impossible for the ACT government to exit this scheme? In other words, whilst I accept in good faith that the minister says that this is a process bill, if this bill is not passed, will it effectively mean that the ACT government cannot proceed with its plans to exit the scheme, or will it simply mean that it can exit the scheme but there will be a lot of uncertainty for workers? I think that is something that needs to be dealt with in the fullness and thoroughness of a committee stage.
I understand that the government say that they want an existing employer not to be able to leave the scheme without contributing an appropriate amount to cover any current or prospective liabilities, and I think that is one thing that needs to be taken into account. The bill also seeks to ensure that any employees injured before their employer exits the Comcare scheme continue to be supported by an appropriate rehabilitation authority. The question that I will ask in the context of a committee stage is: what will that mean to injured workers? Will they still be subject to existing Comcare legislation for those injured before that date, and what will happen if there is an aggravation? This is a technical question: if somebody has a primary injury and then they are injured subsequently in the course of any new scheme, how is there an interplay between Comcare and any new scheme in respect of that? This is something that is coming to mind now—I just want to make that clear to the minister. It is not a trick question. I genuinely want to get to the bottom of this.

In essence, this bill provides a pathway for agencies to leave the Comcare scheme while requiring them to honour their obligations to injured workers. That, I think, characterises the government's position. The opposition is saying, 'Don't support this, because it will lead to a reduction in workers' benefits.' But if they can, under the current legislative framework, exit the scheme and you cannot stop them from exiting the scheme, are we at least providing more certainty? That, to me, is the nub of one of the issues.

The impetus for this bill is the ACT government's announcement that it wishes to leave the Comcare scheme. I understand the ACT government can do this whenever it likes and that it does not need permission or approval from the Commonwealth government to do so. But whether facilitating this bill would make the difference as to whether this goes ahead or not is one of the issues that I think need to be explored in the committee stage. There is currently missing from the ACT government's exit pathway a requirement that it honour its existing obligations to injured workers, and that, I understand, is the government's motivation for this bill: it is attempting to close this loophole.

But, in the bigger picture, the Comcare scheme covers employees working for Commonwealth government agencies and statutory authorities—excluding members of the Australian Defence Force—as well as the ACT government and agencies and corporations who have been granted a licence to self-insure, provided the date of the injury was after the date of the licence. I just want to understand—and this was raised by the Senate committee's report—the effect that the bill may have on workers and their entitlements. I think that is a legitimate question. There is also an issue as to the breadth of this scheme: what other agencies or authorities can avail themselves of this bill? In other words, will it make it easier for other agencies or authorities to exit the bill? The point that Senator Ludwig made is: will that affect the viability of Comcare in itself? Will it mean a shrinking pool of revenue? Has any advice been provided by Comcare to the government about its viability with a smaller premium pool, if you like, with these proposed legislative changes?

I just want to reflect briefly on the fact that Comcare is far from perfect. Comcare was established in order to support workers who have suffered a workplace injury or illness. It is there to help employees recover and, where appropriate, return to work. That is what all workers compensation schemes should be doing, and it carries with it a very heavy responsibility.
When I think of Comcare, there is one case that always comes to mind—and I can refer to this because I introduced a bill to this effect—and it relates to my constituent Barry Crush. In 1988, Mr Crush was the master and chief engineer of the lighthouse supply vessel MV Candela. During a supply run, the ship was caught in a gale with 35-foot waves and 70-kilometre-per-hour winds. Rushing to secure equipment on deck that could otherwise shift or possibly capsize the ship, Barry fell 10 metres onto the deck. He broke his back, his ankle and his knee and suffered massive soft tissue damage. He was forced to stay on the ship while the gale raged for another three days, and what occurred when he finally got to shore was nothing short of disgraceful. He was treated appallingly by Comcare. They lost his files. They ignored him. The man had to live in the most appalling conditions until his claim was resolved many years later.

I must pay tribute to the former head of Comcare Paul O’Connor, who made a specific trip to Adelaide to go to my office and personally meet Mr Crush and apologise for Comcare getting it so absolutely wrong. There was subsequently a mediation settled on confidential terms, where I believe there was a satisfactory resolution of Mr Crush’s claim on a fair basis for all parties involved. But that was a case where Comcare got it absolutely wrong and where an ombudsman’s report was very critical of Comcare. Legislation that I put up to try to remedy that, whilst it was not passed, did ventilate the issue, and the eventual apology from Comcare meant a lot to Mr Crush and the matter was resolved. It shows you that Comcare can get it wrong, as can other workers compensation agencies, but Comcare did demonstrate that it was capable of owning up to its mistakes and making amends for them.

The ACT government wants to get out of the Comcare scheme, and it has cited long processing delays, high premiums and ineffective rehabilitation services as the reasons for which it wishes to leave Comcare. On the one hand, there is the Electrical Trades Union supporting that exit from Comcare, saying that the ACT should get out of the Comcare scheme. On the other hand, there is the ACTU saying, ‘Not so fast! We want to know what scheme workers will be left with.’ If it is simply a matter of process—and this is something that I think the committee stage ought to look at—and this is an inevitable move that the ACT government will go ahead with, then it is appropriate to have some process measures in place. I wonder, though, whether the scope of this going beyond the ACT government is appropriate at this stage. That is something that needs to be dealt with in the committee stage.

A March 2015 Canberra Times article gave figures released by the ACT government which showed that, of the 531 current territory claims, only 45 were less than a year old—in fact, more than 200 of the claims dated back more than a decade. So you really wonder whether Comcare had fulfilled its role in terms of workers rehabilitation and getting people back to work. What concerns me is the absence of any comprehensive details of a replacement scheme that injured ACT government workers will be subject to once their employer leaves Comcare. The contrary argument is: ‘If they can leave Comcare anyway, there is not much you can do about it.’ But I would prefer that the ACT government provide details of how that scheme will work. The March 2015 Canberra Times article referred to the ACT’s Minister for Workplace Safety and Industrial Relations, Mick Gentleman, who revealed that there would be no compensation payable for pain and suffering under the new scheme. That concerns me, but, if there is a statutory scheme for lump sum payments for
permanent disability, that may ameliorate those concerns. We do not know what they are planning, and that is something that needs to be taken into account.

I want to reflect very briefly on how bad things are in South Australia. It was a Labor government that slashed benefits effective from 1 July 2015. WorkCover SA has been transformed to ReturnToWorkSA, but it could well be rebadged as 'ReturnToOblivionSA', because what has happened in that state, my home state, is that many injured workers will find themselves cut off from benefits, facing the loss of their homes and in extremely difficult situations because a Labor government in that state changed the law in a draconian way. It will be a disaster for injured workers. For instance—and it concerns me that the ACT government may go down this path—it changed the criteria for assessing workplace injuries. Under the Return to Work Act in South Australia, an injured worker's payments will cease after two years from the date the incapacity occurred, unless the injury is a 30 per cent whole-of-body impairment. Examples of a whole-of-body impairment would include a severe brain injury, multiple spinal fractures and, for instance, severe injuries to both shoulders together with carpal tunnel syndrome of both hands so that you cannot effectively use your hands and your arms. Short of that, one or two spinal fractures will not do it. You will lose your benefits, even though you will never be able to go back to your work if you were in a manual job. If you have a so-called mild brain injury which means that you cannot perform cognitively as you could before, and it is a requirement of your job to have even a moderate or high level of cognitive functioning, you will be pretty well gone in terms of benefits. What concerns me is that, if the ACT government adopts the South Australian legislation, it might involve a slight reduction in premiums but it will involve a massive reduction in the benefits for genuinely and seriously injured workers.

I understand the government's argument that we cannot stop this from happening, but I do think there are some legitimate questions to ask about the scope of this legislation, how it will work, what safeguards are in place and whether other government authorities and agencies can avail themselves of this facilitative legislation. That is where I am at. It is an issue I have a particular interest in, given my previous life working as a workers compensation lawyer. I do want to engage constructively with the government and my colleagues in the opposition in relation to this. I think it is worth supporting this bill at the second reading stage, but there are some reasonable and legitimate questions that need to be asked in the committee stage before a final decision is made.

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (13:27): I have only been in the chamber for a short period of time while the contributions have been made on the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. I have had the opportunity to listen to Senator Ludwig's contribution and the contribution of Senator Xenophon. I have to say that there was an extraordinary contrast in the approaches of these two senators to this bill.

Senator Xenophon is taking a very sensible approach. Obviously, he is seeking more information about what the detail of this bill is and the consequences on the people that would be affected by this bill—most particularly and most importantly those people who are currently injured and off work and who are requiring the assistance of an insurer to get them back to work, hopefully, but in some instances to look after them because their injuries are such that they may not be able to return to the work that they had previously done. He has
offered to engage in a constructive debate to try to reach an outcome that is in the best interests of these particular people. He also acknowledges that, in a situation where the federal government may not have the capacity or ability to have control over what a government such as the ACT government might do in this space, the Commonwealth has an obligation to make sure that we make the best of the situation so that, once again, the people who are impacted by this action are the ones that we seek to protect.

Contrasting with that was the contribution that I heard from Senator Ludwig, where he seems to have either purposely or through ignorance—I would like to give him the benefit of the doubt and suggest that he has probably not done this purposely—tried to confuse what has been proposed in this bill with other bills that may be proposed to be put before this place. At the moment before the Senate—I will start again—is the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. This bill is a process bill. It is not a substantive bill; it does not deal with arrangements specifically about compensation. It is a process bill—and I will say this quite clearly—that has no capacity to have any adverse effect on employees' entitlements to compensation. I think that is absolutely the key to this.

The fact that Senator Ludwig would come in here and state in the chamber that there is any capacity whatsoever for the passage of this bill to be likely to have a detrimental impact on the entitlements and the benefits that are currently being received by employees I think does a disservice to him and to this place because all this serves to do is to create uncertainty, fear and concern in the minds of the people who are impacted by this, when there is no need for that to happen.

I take my role as a senator very seriously in that I am here representing the people of Australia—and in this instance I am here to represent the interests of the people who, potentially, would be impacted on if the ACT chooses to follow through with its decision of February last year to exit this particular scheme—who are currently being compensated under that particular scheme, ensuring that their rights and entitlements are protected into the future. So it is not my job to use scaremongering tactics for political purposes, to make the lives of those people even more miserable than they currently are. As you would well know, Madam Acting Deputy President, to be injured in any situation—workplace or otherwise—is a very debilitating thing to have happen, and these people need all the support that we can give them. Carrying on with this kind of scaremongering activity that we saw from Senator Ludwig earlier on I think is very sad, and it would be very sad that he could use these people for political gain.

The reality is that this bill actually protects the rights of those employees. I really hope that it is possible, when we get into the committee stage of this bill, that Senator Ludwig comes into this place and properly clarifies to some extent what he was actually up to in his comments earlier on this morning so that he can put the minds of those people who are impacted at the moment by the requirement for compensation for a workplace injury in the ACT to rest. Let us be really clear: this bill is set to amend the compensation act of 1998—the Safety, Rehabilitation and Compensation Act 1998, or the SRC Act, as it is known—to provide financial and other arrangements when a Commonwealth authority which is a premium payer exits the Comcare workers compensation scheme.
We saw in February 2015 that the ACT government announced that it intended to leave the Comcare scheme to establish its own workers compensation arrangements. It is interesting: if my memory serves me correctly I would suggest that Senator Katy Gallagher would still have been the Chief Minister of the ACT at the time. As Senator Xenophon rightly points out, sometimes you have to be a little bit careful about what you wish for in this space. Often you may think that a scheme is not particularly good, but the downside of trying to set up a scheme for yourself—as we found out in South Australia—needs to be taken into account.

The one thing that needs to be very clear in this is that in a situation like we have seen in South Australia, under the workers compensation scheme that we have there, is that we need to make sure that the injured workers are not the ones who are disadvantaged because of mismanagement, bad management or inefficient management of a scheme. We take that as a given.

But the reality of the bill that we have before us at the moment is that it actually does not delve into those sorts of details. What it actually serves to do is just to make sure that anybody who is currently covered under the ACT scheme in this specific instance—or, for that matter, any other scheme—is not disadvantaged if that particular Commonwealth entity decides that it is going to exit this particular scheme.

The purpose of the bill is quite specifically to close that legislative gap. It would ensure that when the ACT—or, for that matter, any other employer—leaves the scheme that they pay a contribution to cover their liabilities as they currently exist so that the Commonwealth is not left to pick up the tab. As you would know, quite rightly, Madam Acting Deputy President Reynolds—coming from an economic background—when the Commonwealth is left to pick up the tab that means that the taxpayers of Australia are left to pick up the tab. We need to make sure that in every message we send from this place people understand that if we continually keep putting an expense on this government all we are doing is making sure that those people who currently pay the taxation in this country are being asked to pick up an ever-increasing burden because of these actions. It is our responsibility as federal legislators to make sure that we do what we can to minimise the impact on the taxpayers of Australia, who are our responsibility.

Currently, the act does not include any arrangements to enable an employer who leaves the scheme to be responsible for their liabilities after exit. What we are saying is that the ACT government is more than welcome to leave the scheme; the reality is that there is probably very little that we can do about it as a Commonwealth government—and you could possibly even question whether we should be doing anything about it as a federal government. But if they choose to leave the scheme they cannot just automatically pass the liability that they currently hold onto the new entity. So all this bill serves to do is to say to the ACT government, 'You need to be responsible for your existing liability.' If they want to transfer out of the scheme, obviously, they pick up their new liability when they start with their new scheme, but it is not for the taxpayers of the whole of Australia to pick up the tab for what currently exists and is currently a liability of the ACT.

As I said—and I think this is the most important thing—this bill does not impact on employees' benefits. I cannot say that often enough and I cannot stress that highly enough. The reality is that the content of this bill more broadly is not new. This has occurred in other jurisdictions around Australia before, so there is nothing new in this.
Specifically, the amendments to this bill will enable Comcare to calculate the liabilities of an existing employer—in this case the ACT—and issue them with a levy to ensure that the liabilities are covered once the employer leaves the scheme. This will ensure that the Commonwealth is not left picking up the tab. Contributions will be determined on a cost recovery basis, so it will not allow the Commonwealth to recover anything more than the debt that is currently owed. There is no capacity whatsoever for any gouging or anything to occur in this space; the Commonwealth will merely have a mechanism by which an existing liability that does not reside with us does not end up residing with us. It remains residing where it currently exists. This is sensible management on the part of the government.

It also ensures that employees who are injured before their employer leaves the scheme will continue to receive compensation from Comcare on the same terms as well as ongoing support for their rehabilitation and, hopefully, their return to work.

Obviously, on the basis of the information that is contained within this bill—for those who have had the opportunity to go through the detail of this bill—it is quite clear that this bill is a process bill, is responsible because it is ensuring liability rests where liability should rest and at no time and in no way threatens the benefits of employees. I think we need to be very clear in debating this particular bill that we understand what the bill actually does and that we do not confuse the debate by suggesting that we are actually in here talking about issues that relate to the entitlements, benefits or, most importantly, ongoing rehabilitation of employees and their capacity to go back to work. They are very important issues and at times will obviously be the subject of other pieces of legislation that come through this place, but to confuse this particular bill with something as important as that and to use it for political purposes are horrendous things for us to be doing.

Right now the SRC Act does not set out what happens if the ACT or any other Commonwealth employer leaves the scheme. The legislation does not currently require an employer to contribute towards its liabilities for claims when it leaves Comcare. As a result, there could be insufficient funds to cover claims made by employees of that employer after they have left the scheme. As I said before, it effectively leaves the responsibility or the liability at the foot of the taxpayer. This bill seeks to do nothing more than change that.

It says to any Commonwealth entity that is currently in the scheme, 'If you leave the scheme, you must accept your liabilities and your responsibilities as they currently exist.' If the bill is not passed then the Commonwealth will be left with the ACT's liabilities for its workers. Whilst at no time is there any suggestion whatsoever that those workers and the entitlements and benefits that those workers are entitled to are under question, we accept the fact that they will have to be, effectively, accepted by an entity. This bill responsibly says that that entity needs to remain the liability of the ACT and not be a burden on the taxpayers of Australia.

The reality is that the federal government does not have the power to prevent the ACT from leaving Comcare even though the ACT government made the announcement back on 25 February 2015. My understanding is that they actually have not taken the necessary actions to exit. Before they go rushing off down there, maybe they might like to think a little about some of the experiences of other jurisdictions when they have chosen to leave the scheme. But it will be very interesting to have a look at the contribution made by the Labor senator for the
ACT, Katy Gallagher, to this given her very intimate involvement in the decision by the ACT government to go down this path in the first place.

Obviously it is quite clear that I believe it is very important that we see this bill passed. As I said, it is administrative. It is process. There is nothing about this bill that even needs to get anybody remotely exercised or concerned about it. It is just good government on behalf of the current government. We are seeking to make sure that we protect the interests of the people that we represent. At the same time, we are making sure that we protect the interests of those people who are affected directly by the actions of the ACT in saying that they are choosing to leave this particular scheme.

I commend the bill to this place but I most particularly commend the bill to those opposite, that they actually take a little bit of a step back and have a think about the consequences of allowing this bill to go through and most particularly about the consequences for the people who currently require the compensation and benefits that exist under this particular scheme. Think about the implications of scaremongering about this particular piece of legislation. Have a think about the impact on their state of health, their state of mind and their families, because they do not have, as we have in this place, the benefit of a number of people who assist us in interpreting legislation and making sure that we understand clearly the intent of the legislation and the consequences of the legislation if it is passed or not passed. All these people will see is possibly a headline in the paper: 'Federal government legislation'—or bill—'has the potential to reduce benefits to injured workers in the ACT.' That is an irresponsible thing to be saying in this place and a completely irresponsible thing to be saying anywhere.

So I would call on those opposite when they get up to make a contribution, when they ask questions or when they debate bills such as this that they restrict their debate to facts of the matter and make sure that they very clearly understand the consequences of anything they say not only for people in our community that are not as well equipped as we are to get the information about these things but also for people who are in a vulnerable state because they have suffered a workplace injury—and some of them have quite serious workplace injuries. So they might be sitting at home, they might have limited information, and all we are serving to do is to cause them to worry more about what their circumstances might be into the future and, in the process of doing that, probably hindering their recovery.

It has been a great pleasure to have the opportunity to speak on this bill. I commend the bill to the house. I hope that we will see some sensible debate about the substance of this bill and not a whole heap of scaremongering, which is what seems to have occurred by some who have spoken on this bill before me.

Senator O'SULLIVAN (Queensland) (13:45): I rise to speak on the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015. It is always a pleasure and a privilege to stand in this place and make a contribution to anything that is about the safety, rehabilitation and compensation of workers who may have tragically been injured in the workplace. I am no stranger to the topic because, in an eclectic career before coming into the Senate, I spent 20 years as the managing director of an insurance loss adjusting firm that worked all over the world on issues of compensation. So I am as familiar as anyone might be in the architectural environment that one works in when there are claims for compensation, particularly where people have been injured and/or killed in circumstances obviously beyond their control. It is a very significant area and I can tell you firsthand that I
have met with hundreds and possibly thousands of victims of injury in the workplace, or of death or injury in events beyond their control, and I can give this chamber the assurance that I would not give my support to any piece of legislation that I thought diminished or weakened what arrangements were in place for genuinely injured people who find themselves in that situation.

Before I start on the specific facts of the bill, I would like to attach myself to the remarks of Senator Ruston, who talked about the circumstances of these people. I am sure that most of us know someone who was injured in the workplace. Indeed many of our colleagues from across the chamber, having been involved in the trade union movement, have a proud tradition of fighting for the rights of these workers in the time past and would also agree that this can be a monstrously depressing and difficult period of time not just for the person who is injured but indeed for their whole extended family and their friends. I have seen people whose lives have been put on hold for many years. It is almost as if in some instances they suffer a psychosis when they realise that their life has been so affected by an injury in their workplace that they will never recover to 100 per cent. I can say to you with some experience that they never ever come to terms with that 100 per cent either.

So I urge all who are making a contribution to the debate on this bill to be very careful with their language. This is no time to be exacerbating the circumstances of people who are watching, who have an interest in what we might do as a parliament with this legislation or who currently have, for example, a pending claim that might be affected by the changes that are being proposed here. I want for anyone listening to my contribution to understand there are no circumstances under which I would support any legislation that I thought diminished the circumstances that these people—current and future—might find themselves in.

This legislation is, amongst other things, a necessary and probably precautionary piece of legislation that has every right to anticipate that there may be departures from the current scheme; therefore, certain provisions have been made. There are no current arrangements for exits. If you accept the proposition put by some across the chamber, this does not worry those opposite. They think that the Commonwealth should necessarily pick up all these contingent liabilities in the event that one of the major clients of the scheme were to leave to go and self-insure or to go to the private sector for premiums.

This legislation is about three or four core issues and core values. It is about time. It is about an anticipation that things may happen in the future and it is responsible to ensure that the legislation has sufficient scope to cope with these departures in the event that they occur. I had the experience of working on cases all over the world where it could take well in excess of 20 years. In fact, the major piece of case law in the United States Supreme Court relating to compensation was the Chick Kam Choo case and it went for 21 years before the family were able to secure an adequate outcome for their action. That we might have a customer of Comcare leave—in this case, the ACT—and leave behind the potential of contingent liability, as you know, is a matter of law. An individual has the right to bring about a claim with respect to their circumstances all the way through until the age of majority. It is not just the affected person. The estate and the minors who might be entitled can bring a claim all the way through to their age of majority. In the worst possible circumstances, events could give rise to liability on the part of this insurance agency, and they would not even be aware of it for 17 years.
If one studies the international architectural structure of Lloyd's of London, their books traditionally will run for almost 30 years. When they put together what is called an insurance book, based in London, New York, Paris or wherever they decide to locate the book, it can have a life of some 30 years. Even on the retirement, even on the sunset closure, of that particular book scheme, it will have a reserve made for contingent liabilities. Actuaries sit, look and decide what that reserve ought to be when having regard to the circumstances before them and the types of liabilities that they might be responsible for, and then they make a financial provision. Indeed, if that provision fails, Lloyd's of London continue to have an ongoing liability within those arrangements.

What this bill proposes to do, at the heart of the bill, is to create an environment where, if one of the participants in the current scheme decides to leave, an assessment will be made of the contingent liabilities, and they will be burdened with having to make provision for them into the future. You do not even need to be a legislator to understand the simple proposition that, if you are responsible, if you have received the benefit of a premium and you have provided an extension of cover to an individual, or you somehow have a related interest in their claim, you have an ongoing liability. I am certain that even colleagues opposite will not want to see us tracking around the countryside trying to recover money from the ACT in 10 years time.

The presentation made by some opposite that somehow Henny Penny is going to become a big player in this exercise if this legislation is passed, and that the sky is going to fall in, is pure scaremongering. In fact, it is inconsistent. I listened very carefully to the contribution by Senator Ludwig. You always know when the Labor Party are struggling to make what sounds like a credible contribution on a very difficult issue to articulate. They roll out Senator Ludwig.

Senator Cameron interjecting—

Senator O'SULLIVAN: No. They roll out Senator Ludwig. You do not get a look in, Senator; I am sorry. The minute you start to talk on a subject, everyone listens intently, looking for all the gaps in the argument. But Senator Ludwig comes in here with a monotone—good afternoon, Senator; good to see you—and it is a bit like that saying: you should not operate heavy machinery while listening to Senator Ludwig. But today, if you did listen—and I did listen intently as I was preparing to make my contribution—Senator Ludwig simply concentrated 100 per cent on perceived negatives of this legislation. Some of the statements he made were completely unfounded. I would have to say that, had Senator Ludwig wanted to polish the shield of the Labor Party with his contribution, by talking about benefits for workers, he might have mentioned the fact that when the scheme transitioned under the Labor government—and they want to criticise our measures—the scheme was only funded actuarially by 68 per cent of its 100 per cent commitment. In less than two years the coalition government have lifted that to 76 per cent. Any of you who are students of commerce and insurance would know that that has been a phenomenal effort. At the same time, there has been a reduction in the premiums.

This legislation is not about doing anything that might attack or diminish the cover that different employees have. It is about preserving it, and it is about ensuring that it will remain there into the future. It will close proposed loopholes in the event that the ACT, or any other entity, decides to leave the scheme for self-insurance. It will ensure that those who were in
their employ, or under their insurance umbrella, who have been injured will have their rights preserved for a long period of time. It is all about confidence for the workers. It is not about scaring the workers. This legislation is about providing those workers with the confidence that what they thought was so is indeed so, and that in their circumstances nothing will change, notwithstanding that their employer may have decided to go and self-insure.

I listened carefully to the contribution of Senator Xenophon, who on occasions does make a reasonable case on issues. I listened to his contribution about the behaviour of the government of South Australia as they went to self-insure for their workers compensation. I think he made a resounding argument as to why this legislation should go through and be supported in this place by any senator or any group of senators who have the interests of workers at the heart of their intentions. If you really believe in supporting the workers, if you believe in providing them with—

Senator Lines: You don't. That's for sure!

Senator O'Sullivan: I know it is getting difficult, because over time the good work of this coalition government has been eroding your reputation with the workers. Indeed, over the next couple of weeks your position is going to be tested very thoroughly—as Senator Ludwig referred to in a coded way in his contribution to this debate.

Senator Jacinta Collins: Didn't you watch the news in New York?

Senator O'Sullivan: No; I have not watched TV since I watched The Killing Season triangulation on the Labor Party. I have been too frightened to go back! But the fact of the matter is that this is all about providing this stability and this security for workers. I am almost out of time, but let me make the important point: I invite you to join us to ensure this legislation passes and provides the workers with the security that they are entitled to and that this government is determined to give them.

The President: Senator O'Sullivan, have you concluded your remarks or do you wish to be in continuation?

Senator O'Sullivan: I was burdened by the clock, Mr President.

The President: Thank you. You are in continuation, Senator O'Sullivan.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Turnbull Government

Senator Wong (South Australia—Leader of the Opposition in the Senate) (14:00): Mr President, welcome back to 2016.

The President: Thank you, Senator Wong.

Senator Wong: My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to Mr Turnbull's statement on action to address climate change, and I quote: My view is the market-based mechanism, the emissions trading scheme, is the most cost-effective. Is Mr Turnbull's position the position of the Turnbull government?

Senator Brandis (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): Senator Wong, happy new year to you. It is an important issue that you raise, Senator Wong, and of course the position
of Mr Turnbull and of all ministers in the Turnbull government is the position of the government. There has been, Senator Wong, as you know, over a period of years very vigorous debate in this country about climate change policy. You know very well because you have been one of the most important participants in that debate in opposition and in government.

It is no secret that both the Australian Labor Party and the government have varied their views over the years, and that is the case in relation to Mr Turnbull. The position Mr Turnbull took in 2009 is not the position that the government takes now. That is unremarkable, but I can assure you, Senator Wong, that where Australia has landed on the question of climate policy is precisely where we ought to be. We have embraced and we took to the climate change conference in Paris the most ambitious per capita emissions reduction targets of any nation in the OECD. We were able to do that because the vigorous discussion we had within the coalition over the years has produced a set of policies that are effective. They are not ideological, but they are effective, and we are proud of them.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. I refer to Mr Turnbull's statement on a republic: We don't have a hope of having a fair process to become a republic until we have a republican Prime Minister.

Is Mr Turnbull's position the position of the Turnbull government?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): As in response to your primary question, Senator Wong, of course Mr Turnbull's views are the views of the government. Senator Wong, as you well know, public opinions about the question of whether, by what process and when Australia might become a republic have changed over the years. Mr Turnbull said after the failure of the 1999 referendum that he did not expect that Australia would become a republic in the lifetime of Her Majesty the Queen. That is a view he has expressed more recently again. There are a variety of views on both sides of politics about these issues, but the position that Mr Turnbull has stated—having, by the way, been closer to this issue over the years than virtually any member of this parliament—is of course the position of the government.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a further supplementary question. I refer to the minister's answer in which he said, I believe, 'Of course, Mr Turnbull's views are the views of the government;' and I refer to Mr Turnbull's statement on marriage equality: I certainly think we should have a free vote and I've been very public about that.

Is Mr Turnbull's position the position of the Turnbull government? Can the minister explain why Mr Turnbull says one thing while his government does another?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:04): Senator Wong, you have identified in the questions you have put to me three issues—climate change policy, whether Australia should be a republic and marriage equality—over which public discussion has developed and changed over years. In all three cases the nature of the issue has changed over the course of years. Senator Wong, everybody in this chamber and everybody who may be
listening to this broadcast knows that. For example, there are people who today believe in a republic who used to be opponents of a republic; there are people who today have a view of climate change policy which is different from the view they may have had some years ago, and the same in relation to same-sex marriage. The fact is that over the course of years many people's views have changed on the way these issues ought to be dealt with.

National Security

Senator O'SULLIVAN (Queensland) (14:05): My question is to the Leader of the Government in the Senate, Senator Brandis. Will the Attorney-General inform the Senate what recent actions the government has taken to further strengthen national security?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:05): Thank you very much indeed, Senator O'Sullivan. That is an important question. May I take this opportunity to welcome you back from the time you spent as the Australian parliamentary delegate to the United Nations in New York, where I know your contribution to the deliberations of the committees on which you sat was significant. No doubt, Senator O'Sullivan, you return to Australia with an even greater awareness than you had heretofore of the importance of these issues. As you know, Senator, the Australian government—with the support, I should say, of the opposition—take these issues extremely seriously, and that is why we have moved on several fronts to put Australia on the best possible footing to protect our national security in an age of networked globalised terrorism.

I have spoken to this chamber before about the legislation that we have put into place, the additional resources we have given to our agencies and the administrative arrangements that we have put in place in order to address this problem, but let me take this opportunity to focus on the other important issue of regional cooperation. Since the Senate adjourned for Christmas I travelled to Jakarta with my junior minister, Mr Keenan, for the inaugural Indonesia-Australia Ministerial Council on Law and Security, where we met with our counterpart ministers: His Excellency Luhut Panjaitan, the Coordinating Minister for Political, Legal and Security Affairs in the Indonesian government, and His Excellency Yasonna Laoly, the Indonesian Minister for Law and Human Rights. We inaugurated a higher level of bilateral cooperation between Indonesia and Australia in relation to national security and counter-terrorism than has ever existed before. It was an extremely successful and an extremely consequential meeting.

Senator O'SULLIVAN (Queensland) (14:07): Mr President, I ask a supplementary question. Thank you for that, Senator Brandis. How will the promotion of regional cooperation strengthen Australia's national security?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:07): Well, Senator O'Sullivan, it will strengthen Australia's national security by enabling regional governments to work more closely together, to share more intelligence, to share more operational experience, to on occasion exchange operational personnel to deal with this problem.

I should say that at the inaugural ministerial council on law and security we resolved to constitute that body on a permanent basis, and the second meeting of the ministerial council will take place in Sydney towards the middle of this year. I should also report to you, Senator,
that Minister Keenan has also recently travelled to Thailand, to Malaysia and to the Philippines for the same purpose: in order to deepen and strengthen our regional cooperation with the policing and intelligence authorities of those nations. This is a global problem, Senator O'Sullivan, but it is also a regional problem. (Time expired)

Senator O'SULLIVAN (Queensland) (14:08): Mr President, I ask a further supplementary question. What other measures, Senator Brandis, has the government taken to ensure our national safety?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): Well, Senator O'Sullivan, I have told you about the regional measures, which have taken the level of regional cooperation to an unprecedentedly high level. But, of course, there are domestic arrangements as well.

Since August of 2014 the government has invested an additional $1.3 billion to support Australia's efforts in combating terrorism, including $450 million in the 2015-16 budget to strengthen intelligence capabilities and to counter extremist messaging. That includes $296 million to strengthen the capabilities of the Australian Secret Intelligence Service, including by updating its IT systems; $22 million to counter terrorist lies and propaganda online; and $131 million to assist telecommunications providers to upgrade their systems to enable them to retain metadata for two years. This government has done and will continue on every front to do what it needs to do to keep Australians safe. (Time expired)

Taxation

Senator KETTER (Queensland) (14:10): My question is to the Minister representing the Treasurer, Senator Cormann. I refer to the minister's statement to the Senate on 21 October last year on the government's tax white paper process. The minister said that the green paper would be released 'probably early in the New Year' and then:

… the green paper will be the first time when the government actually puts a draft set of proposals on the table for discussion.

When will the green paper be released?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:10): I thank Senator Ketter for that question. As the senator knows, the government has been engaged for some time now in a good faith conversation with state and territory governments and with the community as a whole on how our tax system can be improved. Our focus at all times has been, and continues to be and will be into the future, on how we can strengthen growth and facilitate stronger job creation by making sure that our tax system is more growth friendly.

This process started with a tax reform discussion paper which was released by the then Treasurer, Joe Hockey. Since then, as senators would be well aware, there has been an extensive public conversation. Between now and the election the government will be announcing our proposal for the best way forward, our proposal to improve our tax system, and that will be released in good time before the next election.

Senator KETTER (Queensland) (14:11): Mr President, I ask a supplementary question. Minister, I refer again to your statement to the Senate that the Turnbull government 'will release the white paper before the next election'. When will the white paper on tax reform be released?
Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:11): Obviously there has been a lot of conversation over the last five months under the Turnbull government on how our tax system can best be improved. What I can say to the senator, what I can reassure Senator Ketter of, is that in good time before the next election the Australian people will be very clear on what our proposed way forward is, on what our proposal is to strengthen growth and create more jobs by making our tax system more growth friendly. We are not going to get hung up on specific process—

Senator Moore: Mr President, a point of order. I did listen to your opening comments this morning at the beginning of the sitting of the parliament, but I have listened very carefully to Senator Cormann’s responses as well and I want to raise a point of order on the point of relevance. There was a particular question about the release of the white paper in the second question. There was one about the green paper in the first question and I think the minister should be drawn to attention.

The PRESIDENT: Thank you, Senator Moore. I did hear the minister say in response to the first question that it will be released ‘in good time’—no definitive date. I note that. And in the second question I did hear the minister just say it will be released before the next election. Now, that is a time frame. I am sure I heard him say that. Minister?

Senator CORMANN: Thank you very much, Mr President. We understand that the Labor Party is getting quite hung up on exactly which process step is going to be next and when. What we are saying from the government’s point of view is that what matters is the outcome that we are seeking to achieve. The outcome we are seeking to achieve is stronger growth and more jobs by making our tax system more growth friendly. We have of course started that process by the abolition of the mining tax and the carbon tax. (Time expired)

Senator KETTER (Queensland) (14:13): Mr President, I ask a further supplementary question. I need to seek confirmation. I want to ask the minister again: will the white paper on tax reform promised by the coalition in the 2000 election be delivered by the 2016 election? When will the Liberals come clean on their plan for a 15 per cent GST which will increase the cost of everything?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:14): Firstly, the government has made no decision to increase the rate of the GST, so we reject the premise of the question. As I have indicated in answers to the two primary questions, the government will be releasing its policy proposals to improve the tax system to make it more growth friendly in good time before the next election.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:14): My question is to the Minister representing the Prime Minister, Senator Brandis. Senator, there are 90 children, including 37 babies born in Australia, whose families are anxiously awaiting the outcome of the High Court ruling scheduled to come down tomorrow. If these families lose their case, the government will have to choose whether to send them back to Nauru, the island prison, or to allow them to stay here in Australia. Will the Prime Minister, Mr Turnbull, let these babies, children and families stay here so that they can have their claims assessed legally, fairly and safely?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:15): Senator Hanson-Young, for reasons that are perhaps too obvious to state, I am not going to speculate on what the High Court might decide tomorrow, what its reasons for any decision that it makes might be and what the implications of any such decision might be. We will have to wait until tomorrow morning when Their Honours deliver their judgement, and the government will consider it carefully.

Senator Hanson-Young, you raised the issue of children in detention. There are fewer than 100 children in detention today. Under the previous government, under policies that you supported, that number peaked at 1,992. There were 1,992 children in detention 2½ years ago, and this government, through its successful border protection policies and the release of those children and their families into the community, has reduced that number from almost 2,000 to fewer than 100. The history of this government's policy in this area has been the history of releasing children from detention, reducing the number from almost 2,000 to fewer than 100.

Senator HANSON-YOUNG (South Australia) (14:16): Mr President, I ask a supplementary question. As stated, there are still 90 children here in Australian detention, and I believe all of their lives matter, actually. Without certainty, these children and their families cannot integrate into our community and begin to thrive and prosper, to rebuild their lives. Will the Prime Minister help protect these children, or will he be putting them on the next plane to the hell of Nauru?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:17): Senator Hanson-Young, the government's good faith in this regard could not be more obvious from the fact that more than 95 per cent of the children who were left in detention under the previous Labor government have been released by this coalition government. And we are continuing to release children from detention as soon as we can—as soon as we can. How can you possibly sit there, Senator Hanson-Young, with a legacy of almost 2,000 children in detention 2½ years ago and having seen that number reduced by more than 95 per cent, as you acknowledge yourself, to 90 children today and deny that this government is committed to releasing those children from detention? That is precisely what we have done.

Senator HANSON-YOUNG (South Australia) (14:18): Mr President, I ask a further supplementary question. I note that my question still has not been answered. We know that some of these women and the children who are here pending the removal to Nauru were brought here because they were sexually assaulted, raped and abused during their time in Nauru. If we won't protect them now, who will?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:18): Senator Hanson-Young, the best way to protect these people is to ensure the problem is solved, and we have solved it. Let me take you back, Senator Hanson-Young, to where we were 2½ years ago when the coalition government was elected. We had gone through a period during which more than 1,200 lives were lost at sea, in which the number of children in detention peaked at 1,992. And now, as result of the policies of this government, not a single life has been lost at sea, and the number of children in detention has gone from 1,992 to 90. How can you sit there, Senator Hanson-Young, with a straight face and suggest that that is not an extraordinary improvement?


Economy

Senator EDWARDS (South Australia) (14:19): My question is to the Minister for Finance, Senator Cormann, representing the Treasurer. Can the minister please provide an update on the economy and jobs?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:20): I thank Senator Edwards for that question. Our economy is in transition from resource investment in construction driven growth to broader drivers of growth and economic activity. While self-evidently we are facing some challenges and global economic headwinds as we are working through that transition, the Australian economy continues to perform comparatively well. Economic growth, of course, for the most recently reported quarter came in at 0.9 per cent, one of the highest quarterly growth rates in the developed world. We are in our 25th year of continuous growth, with 2.5 per cent growth over the most recent 12-month period, which is of course above the OECD average. More than 300,000 new jobs were created in the Australian economy over the past 12 months. Our unemployment rate, at 5.8 per cent, is well below the OECD average of 6.5 per cent and, of course, below what was previously anticipated for our economy.

These things do not happen by accident. Yes, our floating exchange rate helps. Yes, our record low interest rates help. Yes, of course, the significant increases in export volumes on the back of increased capital investment in recent years have helped cushion the effect of significant falls in price for our key commodity exports. But on top of that the government have worked and continue to work to implement and pursue policies which deliver stronger growth and more jobs: our ambitious innovation agenda, our ambitious deregulation agenda, our ambitious free trade agenda, our ambitious infrastructure investment program, our work to make the tax system more growth friendly, which continues, and, on top of that, our work to get the budget back into balance by controlling public expenditure and improving the quality of our public expenditure.

Senator EDWARDS (South Australia) (14:22): Mr President, I ask a supplementary question. On the minister’s final point: could the minister provide an update on the budget?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:22): Thank you very much. Since the parliament last met, the government has released the mid-year economic and fiscal update by way of half-yearly update on our 2015-16 budget. What the half-yearly budget update shows is that our budget position continues to be on an improving trajectory. The deficit is projected to reduce year on year, both in dollar terms and as a share of GDP. The net debt is expected to peak at 18.5 per cent in 2017-18, before it comes down. Expenditure in our half-yearly budget update is $13.3 billion lower over the forward estimates than anticipated at budget time. Expenditure as a share of GDP is projected to fall from 25.9 per cent this year to 25.3 per cent at the end of the forward estimates. And we have maintained the discipline not to go backwards—as a result of policy decisions of the government—with all decisions to increase spending on high-priority areas more than offset in other areas. Of course, the rating agencies have confirmed our AAA credit rating—(Time expired)

Senator EDWARDS (South Australia) (14:23): Mr President, I ask a further supplementary question. Would the minister be able to let us know if there are any alternative
approaches to economic and fiscal policy, and what would their implication be for our economy and jobs?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:23): Thank you. What we have seen in recent weeks from the alternative government is a return to the bad and discredited approach of the previous Rudd-Gillard-Rudd Labor governments. Of course, as a country we are still working to digest Labor's last spending binge—a spending binge which they locked into legislation over the forward trajectory.

Last week we had Labor promise to increase expenditure, in relation to education in particular, without telling the Australian people how to pay for it. None other than the Premier of South Australia—Senator Conroy's good friend Premier Jay Weatherill—has commented on the fact that Labor does not have a coherent plan to pay for its spending promises.

What I would say to the Labor Party is, 'Listen to your friend and colleague, the Premier of South Australia, when he says you need a coherent plan to pay for your promises, because the country is still working to digest your last spending binge.' (Time expired)

Education Funding

Senator GALLACHER (South Australia) (14:24): My question is to the Minister for Education and Training, Senator Birmingham. When they went to vote at the last election, South Australians saw official Liberal Party signs that said, 'Liberals will match Labor's school funding dollar for dollar.' Why did the Liberal Party say one thing at the election and do another afterwards by cutting $30 billion from schools?

Senator Cormann: You took $1.23 million out of schools in WA.

Senator Cameron: Because they cannot be trusted; that is why.

The PRESIDENT: Order on my right and on my left. Senators on both sides.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:25): I thank Senator Gallacher for the question, because it gives me an opportunity to make sure that this Senate is fully cognisant of the facts in relation to school funding.

The coalition government not only matched Labor's commitments to school funding in the forward estimates dollar for dollar but bettered them.

Senator Cormann interjecting—

Senator BIRMINGHAM: We bettered them to the tune of $1.2 billion, as my friend the finance minister interjects. It is very clear that we have delivered through the budget cycle every cent that was there when we came to office, plus $1.2 billion more. Why is that the case? That is the case, of course, because those opposite, in one of the clever accounting tricks that they love to play, in the run-up to the election took all extra funding out for the state of Queensland, took all extra funding out for the state of Western Australia, and took all extra funding out for the Northern Territory. They were going to try to run a school system and school funding arrangements from the federal government level in which they funded some states vastly differently to how they funded other states. We put the $1.2 billion back in. We put it back in to ensure that every school student in every state, no matter where the boundaries on the map were drawn, was getting fair support from the federal government in the future.
So, Senator Gallacher, you can come in here and ask about what we have delivered in relation to the budget for schools; we have delivered more than you had left in the budget. We have delivered some $69.4 billion in funding over the four-year period, an increase of more than 27 per cent over a four-year period. That is a vast increase in school funding, delivered by the coalition government, delivered in excess of what we found in the budget when we came to office.

Senator GALLACHER (South Australia) (14:27): Mr President, I ask a supplementary question. Why did the Liberal Party promise to match school funding dollar for dollar before the election, but after the election cut the equivalent of $3.2 million from each and every school, the same as sacking one in seven teachers?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:27): Obviously literacy and comprehension understanding in Australia extends to some of those in the Australian Labor Party, because clearly they were not listening to the answer that I gave before. We ensured that every dollar was there. We put in $1.2 billion extra. Far from any suggestion of there being cuts, what we have delivered, what we are delivering, is increased year on year. Across every single year of the forward estimates there is extra money in the budget for Australian schools. Those opposite want to run a campaign that is based on fear and lies and that misleads the Australian people, but the truth is we have delivered every cent that was in the budget. We put an extra $1.2 billion in and every single year into the future we are budgeting on increasing funding to schools. So: no cuts. Far from it; extra support from those on this side of the chamber.

Senator Gallacher: You're a grub!

Government senators interjecting—

Senator Gallacher: You're a fraud!

The PRESIDENT: On both sides, order.

Senator Jacinta Collins interjecting—

The PRESIDENT: Senator Collins, order!

Senator Gallacher: Well, he says we can't read.

Senator Birmingham: I said you don't comprehend.

The PRESIDENT: Senator Collins, I think you need to withdraw that remark.

Senator Gallacher: What's that?

Senator Bernardi interjecting—

Senator Gallacher: Which word?

A government senator: Fraud!

The PRESIDENT: I am not going to repeat what was said, Senator Collins, but what you said across the chamber directed at Senator Birmingham.

Senator Gallacher: I will withdraw.

Senator Gallacher (South Australia) (14:29): Mr President, I ask a further supplementary question. Last year, the minister said when visiting his local public school that it was an underwhelming experience. If the minister considers his own local school to be underwhelming, why doesn't he resource it properly by delivering on the full six years of
Gonski school funding as promised? May I take the liberty, Mr President, of tabling documentary evidence of the veracity of this line of questioning?

Leave not granted.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:31): The unfortunate thing we have seen from those opposite is not only that they do not understand what we are delivering in relation to school funding and the record amounts that are going into Australian schools and that they have an unfortunate misconception that, somehow, extra funding is the one thing that makes a difference, rather than how you use it, but that they fail to recognise the financial risk created for Australian taxpayers by their promises. As Senator Wong’s friend, the South Australian Labor Premier, Mr Jay Weatherill, has said, those opposite have no coherent plan with which to deliver these policies in terms of the finances. As has been reported by the Grattan Institute, the Labor Party are ‘taking a severe structural budget problem and making it even worse.’ Those opposite are being grossly irresponsible in their promises. They fail to recognise that the most important thing you do in schools is focus on the areas that make a difference and that how you use money is far more important than how much you promise. (Time expired)

Building and Construction Industry

Senator BACK (Western Australia) (14:32): My question is to the Minister for Employment, Senator Cash. Will the minister inform the Senate why the reintroduction of the Australian Building and Construction Commission is so essential?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:32): I thank Senator Back for his question. Yes, I can. Quite simply, industrial unlawfulness and wilful failure to comply with workplace laws within the building and construction industry in Australia is now at an all-time high. When repeat offending by a major player in the construction industry gets so bad that the Federal Court of Australia has to ask whether there has ‘been a worse recidivist in the history of the common law’, there is clearly a problem, and it is incumbent upon those of us in this place to ensure that that problem gets attention.

We all know that when the Labor Party in a sweetheart deal with the CFMEU in 2012 abolished the ABCC, we saw, quite literally within weeks, the streets of Melbourne being blockaded. Quite literally, major projects were shut down. We saw bullying, vitriolic behaviour et cetera. The list of examples coming out of the Federal Court goes on and on. The ABCC is quite simply necessary to ensure that both employers and unions in the construction industry comply with the laws that apply to them. Each one of us in this place and all Australians need to comply with the laws that apply to our workplace. Why is it that the building and construction industry does not have to comply with the laws that are set out to regulate its workplace?

Even those on the other side know that when Julia Gillard, the former Prime Minister, commissioned a review of the former ABCC by Justice Wilcox he found the need for a regulator within the building and construction industry, because of the unique nature of unlawfulness in this particular industry. (Time expired)
Senator BACK (Western Australia) (14:34): I thank the minister for her answer. Mr President, I ask a supplementary question. Is the minister aware of further commentary on the need for a separate industrial regulator for the building and construction industry?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:34): Yes, I am. As I was saying, even the Labor Party's review of the building and construction sector was marked by the reality that this particular sector required its own regulator. We saw former Commissioner Cole come out today supporting again the reintroduction of the ABCC, stating:

… consequential benefits to the economy due to the effectiveness of the ABCC diminishing unlawful and inappropriate conduct were very great indeed.

Ultimately, this is all about productivity. It is all about jobs. When you have an industry that is in a state of complete unlawfulness, with a willing failure to comply with the law, it impacts on productivity and jobs for young Australians. We are not going to stand by and let that happen. We do need a strong regulator and we will ensure that happens.

Senator BACK (Western Australia) (14:36): Mr President, I ask a further supplementary question. Will the minister explain the benefits to Australia of an effective building code and what behaviour such a code would target?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:36): Many do not seem to know that a key aspect of the ABCC legislation is the establishment of an effective building code. What is that building code going to do? It is going to require a very high standard of lawful conduct with efficient practices within the industry by those who are doing taxpayer funded work. Large employers themselves have a responsibility to step up and ensure that the workplaces they control are fair and safe workplaces and that those on them do not indulge in unlawful practices.

The new building code, attached to the passage of the ABCC legislation, will ensure that work that is done for the taxpayer is done efficiently. This means that if an employer breaches any of the workplace laws, they will have strong penalties meted out against them. Basically, under this government, that employer will not be able to undertake Commonwealth work. (Time expired)

Medicare

Senator LAMBIE (Tasmania) (14:37): My question without notice is to Senator Nash, the Minister representing the Minister for Health. I refer the National Party assistant health minister to the government's proposed $650 million cuts to Medicare bulk-billing rates.

I note that respected Tasmanian health professionals like scientist Richard Hanlon have warned that the effect on patients will be quite significant because it will discourage patients from going to their doctors, patients may pay up to a $30 co-payment and it has the potential to stop patients from testing for chronic diseases like diabetes and undertaking pap smears for women's cancers. It will remove a 10-year focus on primary health care so that hospitals in the future will become inundated, and cancers and diabetes will not be seen until it is too late.

Can the assistant minister produce studies or modelling which prove Tasmanian medical scientist Richard Hanlon is wrong?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:38): I am not aware of the comments that the senator referred
to at the end of her question, so I cannot respond directly to those. I am assuming that the senator is referring to changes to the bulk-billing incentive payment for pathology and diagnostic imagining. I think it is very important for the Senate to note that since 2009 half a billion dollars, around $500 million, has been spent on this particular program; indeed, $99 million in the last year. The purpose of the payment was to increase bulk-billing rates—that was the purpose of the payment for those who were not aware. What we have seen, as I said, is $99 million just in the last year and roughly the same amount each and every year since 2009, and the bulk-billing rate has gone from 86.3 per cent to 87.6 per cent over that period of time. It has increased by 1.3 per cent. So the purpose of the funding through this program, to increase the rate, simply has not had the desired effect that was the intention of the funding to be paid in the first instance. Let me also be very clear: rebates have not changed for people undertaking these items. The incentives were being paid directly to the pathologists, to the diagnostic imagers—

The PRESIDENT: Pause the clock. Senator Lambie?

Senator Lambie: Mr President, I rise on a point of order. I simply asked whether any future modelling had been done to see whether women's cancer checks will be at risk, and how much it is going to cost the country in the long run. I want to know whether modelling has been done and produced. If it has, may I have a copy of that modelling, please.

The PRESIDENT: Thank you, Senator Lambie. You did have a little bit more to your question in relation to the comments which the minister addressed up-front, saying that she was not aware of those comments or that particular research. Minister, I will draw your attention to the comments just made by Senator Lambie. You have 14 seconds in which to answer.

Senator NASH: Thank you, Mr President. I am happy to take that on notice and seek advice from the health minister. I have been trying to assist the chamber with some facts around this, given there has been a lot scaremongering on this issue.

Senator LAMBIE (Tasmania) (14:41): Mr President, I ask a supplementary question. I again refer to the Liberal-Nationals cuts to women's cancer tests. I note that the report from the Australian Institute of Health and Welfare indicates that people in rural disadvantaged areas are almost twice as likely to be diagnosed with cervical cancer than those in metropolitan areas. Will the National Party assistant minister explain why she has betrayed Australian country women by supporting this cruel Liberal policy?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:41): Firstly, I will correct two things from the senator: one, I have not betrayed anybody, least of all rural and regional Australia. I also correct the senator: there have been no cuts referred to the payments, as the senator said. The changes have been to the payments that are made directly to the providers. We need to be very, very clear that there have been no cuts to the rebate. Again, I draw the attention of those opposite to the fact that this was a program designed to increase the rates of bulk-billing in this sector and it has increased only 1.3 per cent since 2009.

Senator LAMBIE (Tasmania) (14:42): Mr President, I ask a further supplementary question. I again refer to the Liberal-Nationals $650 million cuts to women's cancer tests. I note that the same midyear economic report released in December showed Australia had set
aside nearly $650 million to resettle Syrian refugees over the next four years. Can the minister explain whether the cuts to Medicare and women's cancer tests were agreed to so that Australia could afford to resettle Syrian refugees?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:43): I indicate to the senator that portfolio decisions around funding are taken within portfolios. I would have no indication whatsoever of the assertion that the senator has put forward about trading across portfolios for a funding issue. This is an issue that has been espoused very strongly by those on the other side of the chamber and, quite frankly, there has been a significant degree of scaremongering. On this side of the chamber, we make no apologies for making sensible, balanced decisions about budgetary measures that require an outcome. We will continue to do that for the benefit of all Australians.

Education Funding

Senator DASTYARI (New South Wales) (14:44): My question is to the Minister for Education and Training. Does the minister agree with the National Catholic Education Commission, which says that the government's school funding cuts mean—and I quote here from the National Catholic Education Commission—'fees will increase, schools could close and the quality of education will be compromised'?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:44): No, because, as I outlined to the Senate previously, there is record support going to Australian schools at present—record support which will continue to grow year on year on year into the future. Those opposite can try to run scare campaigns if they want, but the facts speak for themselves: that support for schools is at record levels and growing year upon year upon year.

Those opposite also seem to ignore the fact that funding should be treated as a means to an end. They have confused funding as being the end in itself. They think that just promising funding is the answer to education challenges in Australia. But the data shows that, collectively, federal and state governments have been spending record sums on Australian schools over the years and that it has more than doubled in terms of state and federal government spending since 1988. What has happened in that time? What has happened is that Australian outcomes, in terms of literacy standards, numeracy standards and science testing have gone backwards—gone backwards in real terms and gone backwards in relative terms compared to other countries.

Senator Jacinta Collins: Yes, that's why we had Gonski. That's why we went through the Gonski review.

Senator BIRMINGHAM: So I know Senator Collins does not understand this, but record funding going in has not provided extra beneficial outcomes. Record funding has not delivered beneficial outcomes. We have seen the system go backwards, which is why our government has sought to make sure that policy in this area focuses on how we lift the quality of teachers, on how we get parents more engaged, on how we get the national curriculum right and on how we deliver autonomy to schools so that they can make sure, for their local area, that they are able to use the dollars they have—the record funding they have—as effectively as possible for their students.
Senator DASTYARI (New South Wales) (14:46): Mr President, I ask a supplementary question. Considering the minister has already questioned the literacy and comprehension of the National Catholic Education Commission, does the minister agree with the coalition New South Wales education minister, Mr Piccoli, who says on Labor's needs-based school funding—and I quote:

It's being spent on things we know work: quality teaching, school counsellors, speech therapists. We are giving targeted support to children in kindergarten at risk of falling behind.

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:47): I am yet to meet a state Premier or state minister who is not happy to hear promises of more money that might go to their states, so I am not at all surprised to hear state premiers or state ministers happy to hear funding coming through, although I do note that the South Australian Premier has at least been quite honest and rational in this discussion by acknowledging and recognising that those opposite might be promising more money but, of course, as we learnt from their six years in office, they have, to use Mr Weatherill's words, no 'coherent' plan of how to actually deliver that funding in the future. As the Grattan Institute has made clear, what the Labor Party are doing through their promises—through their reckless budget promises that they are making at present—is taking a severe structural budget problem and making it even worse. Those opposite, of course, are looking at leaving a legacy of enormous debt for future generations, as they did during their six years in office and as they seem intent on doing in the future. (Time expired)

Senator DASTYARI (New South Wales) (14:48): Mr President, I ask a further supplementary question. Minister, given that the Liberals promised before the election—and I quote—an 'absolute unity ticket' with Labor on school funding, let's cut through the chase: why haven't the Liberals done what they said they would do and fund the Gonski reforms in full as promised?

Senator BIRMINGHAM (South Australia—Minister for Education and Training) (14:48): As I outlined in answer to the first question today, to Senator Gallacher, the coalition government has had to put extra money in compared with what we found in the budget when we came to office. I am sorry if Senator Dastyari seems to think that we should have left Queensland students out of the equation, or Northern Territory students out of the equation, or Western Australian students out of the equation, but the coalition government believed we should fund all students fairly. The coalition government believed that—

Senator Jacinta Collins: And why was that, Simon? They wouldn't sign an agreement to outcomes.

Senator BIRMINGHAM: Senator Collins seems to think that this is okay. That seems to be what her interjections are suggesting. Senator Collins seems to be suggesting that we should have left students in those states worse off, because those opposite never budgeted for it. Well, we wanted to make sure that they were cared for and that we did deliver the funding in those states, as we did in every other state. And so it was critically important that we took the decision not just to match dollar for dollar what was in the budget when we came to office but to put $1.2 billion extra in and, of course, commit to year-on-year funding growth thereafter. (Time expired)
National Innovation and Science Agenda

Senator REYNOLDS (Western Australia) (14:50): My question is to the Cabinet Secretary, Senator Sinodinos, representing the Minister for Industry, Innovation and Science. Will the Cabinet Secretary inform the Senate how the recently announced National Innovation and Science Agenda sets out a new vision for Australia's innovation and science ecosystem?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:50): I thank the honourable senator from Western Australia for her question, her great support for innovation and the work she does on the ground with innovators in Western Australia. The government announced, of course, this National Innovation and Science Agenda on 7 December last year as part of our broader aim of promoting jobs and growth, and this year, Mr President, I predict—I fearlessly predict—you will hear a lot about jobs and growth, because that is the framework which will encompass the policies of this government. We are putting together an agenda in innovation and science which will foster an ecosystem—a series of measures which will make us have a sustainable innovation system going forward. It comprises four pillars. There are four pillars—not three, not seven but four pillars: culture and capital, collaboration, talent and skills, and government as an exemplar.

Culture and capital involves measures around tax to promote investing in start-ups and early-stage capital. It involves collaboration where we bring together researchers, universities, industries and investors, because the best sort of innovation is when you bring those disparate skills together so that they can collaborate to promote commercialisation within Australia of great Australian ideas. We will promote talent and skills through measures to promote greater take-up of science, technology, engineering and maths in schools, including addressing the lack of diversity in some of those classes, particularly where women in STEM are concerned. Part of this will also be to promote the entrepreneurs visa to bring bright people from all around the world to Australia to share their ideas—people who want to invest in Australia.

Senator REYNOLDS (Western Australia) (14:52): Mr President, I ask a supplementary question. Will the Cabinet Secretary inform the Senate how the government will implement the National Innovation and Science Agenda?

Senator SINODINOS (New South Wales—Cabinet Secretary) (14:52): I believe we will implement it well. How will we do that? We will do it by establishing a new innovation and science committee of cabinet, for a whole-of-government approach. This is the meat and drink of cabinet secretaries. We love process. There is nothing we love better than another cabinet committee—a whole-of-government committee where ministers across the government with an interest in innovation and science will come together to monitor the implementation of those initiatives. That is the sort of stuff that gets me out of bed in the morning, Mr President, I have to tell you. This innovation and science subcommittee of cabinet will be ably assisted by a new statutory board, the Innovation and Science Australia board, chaired by that great Australian investor in innovation Bill Ferris and our new Chief Scientist, the distinguished Alan Finkel, as the deputy chair, who will provide independent advice to this committee and to the government. (Time expired)

Senator REYNOLDS (Western Australia) (14:54): Mr President, I ask a final supplementary question. Will the Cabinet Secretary also explain to the Senate how the agenda builds on existing programs?
Senator SINODINOS (New South Wales—Cabinet Secretary) (14:54): The context for this agenda is that in the last year under this government more than 300,000 jobs were created. The government cannot take the credit for all of that—a lot of the credit goes to the workers and the businesspeople of Australia—but we are putting in place a framework of policies to aid them as they work and go about the business of innovation.

Those workers and those businesspeople will have the benefit of our new free trade agreements—our North Asian free trade agreements with Korea, Japan and China—and, significantly, the Trans-Pacific Partnership Agreement now coming down the track. Small and medium sized enterprises will of course continue to take advantage of the initiatives in last year's budget, the 2015 budget, around things like tax cuts. There is also the government's $482 million Entrepreneurs' Program, a flagship firm-level initiative that continues to grow the economy and jobs. (Time expired)

Member for Fisher

Senator JACINTA COLLINS (Victoria) (14:55): My question is to the minister representing the Prime Minister, Senator Brandis. I refer to the Prime Minister, who said on 19 November last year that he had 'confidence' in Mr Brough and to his subsequent decision to stand aside the Special Minister of State during the Christmas-New Year period. I ask: what changed between November and December?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:56): Senator Collins, as you well know, this is a matter of a current inquiry. It would be inappropriate to comment.

Senator JACINTA COLLINS (Victoria) (14:56): Mr President, I ask a supplementary question. I will try again. Given his admission on national television that he conspired with a member of the former Speaker's staff to procure the Speaker's diary, are there any circumstances in which Mr Brough could be considered fit to return to the frontbench?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:56): Senator Collins, you have, as is your wont, misattributed words to Mr Brough. Mr Brough did not say the words that you attributed to him, so you should be very careful in attributing to people words that they did not use. That having been said, I have nothing to add to my previous answer.

Senator JACINTA COLLINS (Victoria) (14:56): Mr President, I encourage Senator Brandis to look at my actual words in the question. I did not attribute any words. I ask a second supplementary question. I refer to reports that the Minister for Industry, Innovation and Science, Mr Pyne, and the Assistant Minister for Innovation, Mr Roy, have also been subject to questioning from the Australian Federal Police with regard to the Ashby affair. Do Mr Pyne and Mr Roy retain the full confidence of the Prime Minister?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:57): Yes.

The PRESIDENT: I gather the answer has occurred.

Organ and Tissue Donation

Senator SESELJA (Australian Capital Territory) (14:57): My question is to the Minister for Rural Health, Senator Nash, representing the Minister for Health. Will the minister please
advise the Senate what the government is doing to increase rates of organ and tissue donation and transplantation in Australia?

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (14:57): As many would know, the government certainly believes that organ and tissue donation is a critical, life-saving issue. In the 2015-16 budget we committed $10.2 million over two years to increase rates of living and deceased organ and tissue donation in four targeted areas.

First, we will implement better matching of donors and recipients. We are going to replace the current National Organ Matching System with a new, automated Australian organ-matching system that will also extend support for matching liver, heart and lung transplantation. We are going to move to a one-stop online registration process. We are going to make the process to register as simple and as easy as we possibly can.

We are going to work to try to increase the consent rates of families for their loved ones to be donors. A targeted hospital improvement program will build capacity in hospitals so they can better support families to make this important decision. When only one per cent of people die in the tragic circumstances where an organ can be donated, we need to make sure that families are aware of their loved ones' decisions.

We will also extend the Living Organ Donor Program to increase the leave for living organ donors from six to nine weeks. We want to reduce the financial burden of recovery from these amazing Australians, who generously donate a kidney or part of their liver to save another person's life.

There have been many different views put forward in relation to how we go forward as a sector and with stakeholders, but we all agree that the rates of organ and tissue donation can be higher and that it was absolute common sense to review whether we can do better.

**Senator SESELJA** (Australian Capital Territory) (14:59): Mr President, I ask a supplementary question. Will the minister please inform the Senate of Ernst & Young's findings in relation to the national program for organ and tissue donation and transplantation?

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (15:00): While the review found that the existing strategy was sound, it also found that there is significant room for improvement, from community awareness, consent to donation and clinical practice within hospitals to the role of the health system at all levels. The review also endorsed the government's strategy to move to the online registration process.

The review made 24 recommendations, that the government has welcomed, on many aspects of organ and tissue donation, particularly around areas of transparency, accountability and governance. The government definitely supports the need for additional effort on stronger performance across the national program for organ and tissue donation and transplantation, and we are now considering those recommendations very closely as to which ones should be the top priorities.

**Senator SESELJA** (Australian Capital Territory) (15:01): Mr President, I ask a further supplementary question. Can the minister further advise the Senate of the importance of the new registration process?
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Minister for Rural Health) (15:01): The new registration process is going to be vitally important in making a difference to those online donor rates—those online donor registrations.

The registration process will now be a one-stop online process. Currently, the process is two-step, where people go online but then they also have to do a paperwork part of that process. That is stopping many Australians from registering. We have around 6.1 million Australians who registered their intent to be a donor and only 1.8 million of those have completed the process to become a donor. So it is vitally important that we get this faster, simpler process up and running.

It will clearly show the intent of the donor and it will also trigger that conversation with family and with loved ones that we know is so important when it comes to that moment when organ donation needs to be supported by family members and loved ones.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS
Special Minister of State

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:02): Mr President, I table a document in response to a question from Senator Wong which I took on notice on 3 December 2015.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Education Funding

Senator DASTYARI (New South Wales) (15:03): I move:

That the Senate take note of the answers given by the Minister for Education and Training (Senator Birmingham) to questions without notice asked by Senators Gallacher and Dastyari today relating to school funding.

I want to take note of these and speak to some of the inconsistencies and myths that were presented by the Minister for Education and Training, Senator Birmingham, in answers to questions that he gave moments earlier.

But before doing so, I do also want to note that yesterday I had the privilege of being able to take my daughter to her first day at school. While many of us are going to debate over the next year how we can better fund our schools, how schools should be funded and what needs to be done to make sure we have the best possible education system, we should all be incredibly proud of the numerous teachers, principals and volunteers who make our education system as fantastic as it is.

But, while we have a fantastic education system—particularly in my home state of New South Wales—it can and it should be improved. I think it is disappointing that the minister—Minister Birmingham—outlined and actually undercut comments made by the National Catholic Education Commission, which said that the failure to properly fund the future years of the Gonski model will have the result that:

… fees will increase, schools could close and the quality of education will be compromised.
Ultimately, the government has been trying to set up a straw man argument, and the straw man argument is this: that it is all about funding—that the Gonski model and the Labor proposals that we put forward over the past year, and also the entire process over the past several years, has simply been about funding. Funding is an important component of it. Funding is the start. You cannot have a better education system if you are not prepared to pay for it. But what the Labor proposals have been saying, and what the Gonski model has addressed fundamentally, is: how do you make sure you make the most of more funding, how do you get the best bang for your buck and how do you work towards a more equal, a more fair and a more equitable system? You cannot achieve that if you do not start with a base of better funding for our education system.

Before the last election the Liberals promised—and this was Christopher Pyne, who was the shadow minister at the time—

Senator Brandis: 'Mr Pyne' to you!

Senator DASTYARI: Minister Pyne. He was not Minister Pyne at the time, he has become Minister Pyne.

Senator Brandis: I said 'Mr Pyne'.

Senator DASTYARI: He said at the time—and I am quoting a press conference on 29 August 2013:

… you can vote Liberal or Labor and you'll get exactly the same amount of funding for your school …

That turned out to be a statement that was not true. That turned out to be a statement that is untrue.

We also had the then Leader of the Opposition, who became the Prime Minister and who is now a quiet and subservient backbencher—a Mr Tony Abbott—talk about an absolute 'unity ticket' when it came to school funding. Then, as if that were not enough, the official Liberal Party-endorsed sign at the election on 7 September 2013—properly authorised by the Liberal Party—said:

Liberals will match Labor's school funding dollar for dollar.

After the election was over we saw these promises broken. We saw teachers betrayed; we saw students, parents and principals in every state and territory ripped off.

Over Christmas, when there was a presumption that nobody was watching, the Prime Minister, Mr Malcolm Turnbull, made the decision to dump the Gonski reforms and cut $30 billion in future potential funding from our schools. To break this down: on average, that is $3.2 million from every school, which will mean fewer subject choices, less support for students with disability, fewer literacy and numeracy programs, learning support cuts and less training for teachers.

Fundamentally this all comes down to the priorities of a government and what a government should, wants to and chooses to prioritise. We have seen from the answers from the minister today and in the decisions that have been made by this government that they have decided that the future education of our children is not a priority. For this to all happen just as children go back to school is a tragedy.

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (15:08): I too took my kids to school last week as Senator Dastyari did. I share his comments in commending the
incredible commitment of the teachers and principal at my children's school, St Benedict's Catholic Primary School in Yeppoon. It is a wonderful school, and they do a great job. I am proud to say that all of my three children actually seemed to want to go to school. There were no complaints, tears or dragging them out of bed. I do not know if that will happen every day this year, but it is nice to start the year on a positive step.

I noted Senator Dastyari did talk about his own children to start with and he did spend a lot of time speaking about the Labor Party's policy they announced last week, which you might have seen was titled 'Your Child. Our Future'. To me that was quite a scary title and frame to put on things. I think you can look after your children, Senator Dastyari. I do not particularly want to have any kind of ownership over your children, but apparently the Labor Party wants to have some ownership over my children and other people's children as well. That approach of the Labor Party is testament to their overall overbearing and controlling approach.

In fact, improvements to our children's schools are going to come not so much from what we do in this place but from the good work, commitment and cooperation between parents, teachers and local school communities. There is no magic wand that a minister, Treasurer or budget down here in this place could wave and suddenly have my son no longer wanting to play Minecraft every night and wanting to go learn the periodic table. That is not going to happen. It is not going to happen by Labor's policy. It is not going to happen by spending billions more dollars. It is going to happen by commitment to better education at all of our schools.

I also took note that Senator Dastyari said very clearly that in his view we cannot achieve better educational outcomes unless we have more funding. That is the Labor Party's position. It is all tied to the inputs. It is all tied to how much we spend. In fact, we have spent 40 per cent more on education in the last decade. According to the Labor Party's own 'Your Child. Our Future' policy document, over that period, according to OECD data, in the year 2000 only one country outperformed Australia in reading and maths and in 2006 only two countries outperformed Australia in science. Today, 16 countries outperform Australia in maths, nine countries outperform Australia in reading and seven countries outperform Australia in science. By their own admission and their own data we have gone backwards in the past 10 to 15 years at the same time as we have spent 40 per cent more on education funding.

How do they explain that? How do you explain that the response to this reduction in our performance in the past 10 to 15 years is just to throw more money at the problem? That is the Labor Party's approach to every problem that comes in: just spend more money. Just spend more money on these Medicare reforms that are controversial now. Do not worry about the results. Do not worry about whether they actually deliver what you promised and what you argued for.

We are in a new year now. It is an election year, and the Australian people will have a choice later for a Labor Party that is still addicted to spending too much of their money, still addicted to throwing billions of dollars at problems regardless of the outcome. They do not care. They do not do the analysis. They are not particularly concentrating on the results. They only care about how many dollar signs they can put before the next policy announcement they make. They will not fully fund it, as Jay Weatherill, the Premier of South Australia, admits. They will not have a proper funding plan for it. If we do end up with a Labor government after this election, it will no be 'Your Child. Our Future'; it will be your debt and you having
to pay it back. That is what will happen if the Labor Party get back into office. They will continue to spend your money, regardless of what the outcomes deliver, like they did with $900 cheques, school halls and many other programs in their last term in government. God help Australia if they get back in and can have a cash barbecue of billions of dollars more of your money with their misguided plans.

Senator O’NEILL (New South Wales) (15:13): I rise with some fury at the nonsense that we have heard from those opposite this afternoon—not just the contribution of the member who is about to leave the chamber but the outlandish misrepresentation from the minister himself. The minister no doubt stood at booths in Adelaide in the lead-up to the last election and distributed hand-outs, smiling at people all the while and saying they were on a unity ticket with Labor, that you would get exactly the same investment in funding the future of education in this country in response to the Gonski review to make sure that students got a fair go. They stood there with banners beside them that said they would match the Labor Party commitment, which was a six-year commitment. They would match it dollar for dollar.

Yet day after day we hear this quivering nonsense from them that money does not matter. It is ignoring the clear reality that is evident to every single parent who rocks up at school, opens their eyes and sees that there are needs unmet in every single school across this country bar a few very privileged schools. That is what the Gonski investigation found out, and that is why the commitment was made by the Labor Party last week to fund years 5 and 6, which had fallen off a cliff under those on the other side of the chamber. They have abandoned that commitment that they made to the Australian people. What we see day after day is that those opposite say one thing but they absolutely do another. This is a perfect example of a party that simply cannot be trusted with the truth, cannot be trusted with dollars to invest in the future of this nation and cannot be trusted with education because their miserly view of education is at odds with the facts at every single turn.

When Labor were in government, we recognised that there was an urgent need for excellence and equitable school experiences right across this country. The review that was undertaken involved 70 different education groups, 39 school visits and 7,000 submissions. Mr David Gonski, whose name has been attributed to this for such a period of time now, wrote:

… the additional investment—
which is the dollars that the Liberal Party continue to say do not matter—
is needed to implement a schooling resource standard. It is necessary because without it—
this is the key part—
the high cost of poor educational outcomes will become an even greater drag on Australia's social and economic development in the future. The need for the additional expenditure and the application of what those funds can do is urgent. Australia will only slip further behind unless as a nation we act and act now.

That was a compelling argument that this government knew Australians understood. Those opposite were prepared to stand up and pretend to the Australian people that they would fund the entire six years of Gonski. People rolled up to vote in good faith and had a look at those posters that reassured them that this government would match the funding that Labor had committed to this national education project dollar for dollar. Well, now those opposite are quibbling over every single dollar. They have withdrawn their support. They misrepresented
to the Australian parliament and to the Australian people what they were going to do, and they continue to come in here and peddle a load of nonsense about the lack of need in schools.

In schools around Australia we know that there are kids right now who are benefiting from the first four years of funding going through. In New South Wales, I have visited many of those schools, such as Woy Woy South public school, where there has been a transformation in learning for many of the students, particularly for the local Indigenous families, who have suddenly been able to achieve literacy and numeracy standards never before achieved because they got access to the additional education they needed to help them make up the gap from where they started.

But this government continues to deny that there is any inequity in schools. We need schools that can access the funding to make sure that they are able to do the job of educating our young. We need schools to get that money because they cannot do the job on the miserly amount that this government is intending to give them, a CPI indexation that is not up to the job. There is a failure to understand that speech therapists and quality teaching cost money. It is an investment in the future of the country. Labor is for it; the Liberals stand against it, and they continue to misrepresent their position.

**Senator SESELJA** (Australian Capital Territory) (15:18): I am very pleased to join in this very important debate. I will start by commending the wonderful teachers we have here in the ACT and the wonderful schools we have in the ACT both in the government sector and in the non-government sector. I have had the privilege of attending some of these schools here in the ACT along with my family members both in the public sector and in the non-government sector, and my kids now have the opportunities in these wonderful schools. I commend the teachers here in Canberra and around the country who do such an outstanding job.

I think when we take note of answers it is worth reflecting on the point that the opposition are trying to make in some of their questioning. I have got to say this is a little bit like the first day of school. It is the first day back for us here in the Senate after the summer break. You would think that, having had many weeks to regroup, the Labor Party could have come up with something a little bit better than this. They meandered around about Prime Minister Turnbull's views on the republic, on climate change, on same-sex marriage. When that did not get anywhere, they started asking other questions. I thought, 'What a tired strategy in an election year.' We had the year of ideas last year, which produced some extra ideas for taxes from the Labor Party. You would think that in an election year they would be raring to go. But unfortunately that is not what we saw in question time today.

That brings us to some of Labor's questioning on education funding. This is lazy policy from the Labor Party, and this is policy that they know they cannot deliver. They cannot afford it. They cannot deliver it. They knew it when they were in government, which is why they put it out to years 5 and 6. This is the fundamental issue here. Let us look at the first four years, the four-year cycle of the budget, which is what we deal with, which is what Treasurers deal with and is what governments deal with. It is what the Labor Party had when they were in government and it is what the coalition government has now. Over those four years that we committed to, not only will we match what the Labor Party was going to deliver but we will deliver an extra $1.2 billion—that is a fact. That is the record in terms of the coalition government.
We have seen an increase in funding of 27.3 per cent over the forward estimates, a significant increase in funding. The point has been made that we need significant increased investment in our schools, which we are doing. But that is not the only question as to how you get better outcomes. From the late eighties to around 2011-12 there was a 100 per cent increase in schools funding in Australia, yet we saw many of our outcomes going backwards. It is not the be-all and end-all. Even though we are increasing funding by 27.3 per cent in education over the forward estimates—$1.2 billion more than Labor was going to deliver—that is not the only answer. That is not a whole equation.

It comes down to the credibility of Labor to deliver. The reason they pushed it out up to years 5 and 6 was that they had not done the work; they did not have the money, because they wasted it in government; and they certainly would not have the money if they were ever trusted with the Treasury benches again. You do not have to believe me. Believe Jay Weatherill if you want to know Labor's credibility on funding their education promises. What did Jay Weatherill, the South Australian Labor Premier, say about their plans? He said: … we haven't seen any coherent or sustainable way in which that's going to be funded. Those are the words of a South Australian Labor Premier. If even your mates in South Australian Labor do not believe you on education funding, how can the Australian people believe you on education funding? Jay Weatherill has called you out. He has said that you cannot fund it, that you have got no plans to fund it. Tinkering with multinationals is not going to fund your plans. You are going to have a budget black hole. This is the fundamental credibility problem Labor have, not just on education but on a whole range of other things. Until they can fix that, they can never be trusted to govern again. (Time expired)

Senator LINES (Western Australia) (15:23): I too rise to take note of answers on education given by the government today. All we have heard from government senators is ridicule of Labor's very solid, fully costed plan on education. There is a reason for that. It is that those opposite have nothing to say when it comes to education. They have absolutely nothing to say. And why is that? Because they have ripped out of every single Australian school $3.2 million. That will happen over the next 10 years. That is their school plan: to reduce the funding available to schools—$3.2 million out of every single school across this country. What a disgrace. Imagine what impact the loss of that money has on the quality of resource, the quality of teaching, the exciting learning experiences that children simply will not have because those opposite, the Turnbull government, will have ripped the heart out of every single school in Australia.

I come from a state where, unfortunately, their Liberal counterpart, Colin Barnett, has also ripped the heart out of school funding. Not only will every school in Western Australia suffer this $3.2 million cut imposed by the Turnbull government; they have got cuts of their own imposed by the Colin Barnett Liberal government. Let me tell you: schools in Western Australia are in a shocking state. But of course it is not just Labor saying this. I recently chaired the inquiry into children with special needs in our education system. Again, we saw another mistruth. Christopher Pyne, when he was the opposition shadow, made promises that he would commit the sort of Gonski funding that kids with special needs in our schools need. And yet what we have seen is that government has introduced this indexation to CPI, which is failing children with special needs.
What did the very conservative Catholic Education they tell the inquiry? They told the inquiry exactly the same thing—that they cannot manage on this funding, that it is not enough for Catholic Education to provide the quality and the specialist services that children with special needs need in their schools. And they went further. They said, 'Schools will close.' Schools for special needs children that they manage will close if this drop in funding—the failure to commit to their promises—continues by the Turnbull government. We heard Catholic Education yesterday say exactly the same thing about their mainstream schools. We cannot all have a comprehension problem. You do not sit there as a Catholic Education office and attack your funder unless things are dire—and they are dire. We heard shocking experiences of children with disability in our education system. If they had the Gonski funding, things would change.

We heard from schools in New South Wales who had picked up the special funding that Labor put into schools that have children with special needs, and they told us of the great innovations that they were able to bring to bear—all of which is now gone. This is what we see again from those opposite. The Gonski review was revolutionary. Obviously those opposite have never bothered to read it. It established very clearly the growing inequity in our schools between those students who come from wealthier areas and those students who do not. There is a growing disparity. But of course that is what the Turnbull government are all about. Unless you can help yourself, they have got no interest in helping you. The Gonski panel set out very clearly what was needed. Yes, of course funding is at the core of reform, but we also need good quality teachers—something Labor will invest in in our policy. We want to see innovative schools. We want to see all children having the best opportunity, not being defined by postcode.

I have two grandchildren in high school this year. Unfortunately they do not live in the green leafy suburbs. Their schooling is difficult. Their schools need more funding, and yet I know that those opposite have taken $3.2 million away from their schools, denying them the opportunities of other children.

Question agreed to.

Cancer Screening

Senator LAMBIE (Tasmania) (15:28): I move:

That the Senate take note of the answer given by the Minister for Rural Health (Senator Nash) to a question without notice asked by Senator Lambie today relating to proposed changes to bulk billing incentives.

Today the National Party's Senator Nash tried to defend the indefensible. Her party, a party that is supposed to look after the interests of rural and regional Australia, has agreed to be an accomplice to a Liberal policy which is guaranteed, over time, to increase the number of women who will die from preventable diseases like cervical cancer and diabetes. A report from the Australian Institute of Health and Welfare states: 'The number of deaths has decreased significantly, with 72 per cent of women diagnosed surviving cervical cancer. Ninety per cent of cervical cancers are preventable with early detection.'

The reason we have this good news is that over the last 10 years Australia has had a clear focus on primary health care and preventative health checks, which has saved our nation lives and money. This $650 million cut to Medicare if allowed to go unchallenged by this Senate
will undermine our focus on preventable health care by dramatically increasing the costs of cancer tests like Pap smears. The costs savings the government trumps in the short term will pale into insignificance when compared with the additional costs incurred in the long term when women, our grandchildren, begin once again to lose their lives unnecessarily and too soon to preventable diseases like cervical and other cancers. Why aren't we making decisions for our grandchildren?

I warn this government that I will take whatever action is necessary in the Senate, including voting against all government legislation, to ensure that cancer and other health checks remain affordable for all Australians. I will do everything in my power to stop cancer health checks like Pap smears from costing an extra $30, as predicted by the Royal College of Pathologists. The average Australian is sick of this Liberal government fiddling with bulk-billing rates for vital medical checks like women's Pap smears. It is time for the Liberals to stop their sneaky attacks on Medicare and their sly attempts to kill it off. It is time the Nationals grew a backbone and stood up to this cruelty to women.

Local Burnie businesswoman Karlie Deacon has told me she wants the Australian PM to stop messing around with our bulk-billing rates. She wants the government to make it easier, not harder, for young women like her to have cancer checks. Respected health professionals like Tasmanian scientist Richard Hanlon have warned that the effect on patients will be quite significant because it will discourage them from going to their doctors, patients may pay up to $30 extra in co-payments and it has the potential to stop patients from testing for chronic diseases like diabetes and cancers with Pap smears. We have had a focus on primary health care for 10 years or more and now we are removing that so hospitals will become inundated, cancers will not be seen until it is too late and diabetes will not be seen until it is too late either. It will have a huge cost on the health system and a huge cost on the hospital system in particular, the public system. Pathology is about as efficient as it can possibly get. We believe there is very little fat left to cut off the bone. That will mean it will be passed on to the customer. Any fool can see that reducing Australia's investment in primary health care is going to cost us more in the long run.

I commissioned a Parliamentary Library study and asked: can these cuts be disallowed by the Senate? The answer is:

Yes. The relevant regulations are a disallowable legislative instrument. The process for disallowance is explained in this Senate Brief. Broadly once the regulations are registered and tabled in parliament a Senator has 15 sitting days to give notice of a motion to disallow the instrument in whole or in part.

So I make this promise to Tasmanians, especially Tasmanian women: I will use my vote to disallow any Liberal government regulation that attacks our Medicare bulk-billing system. I look forward to working with my fellow crossbench senators, the Greens and Labor to stop this insane attack on one of the best universal healthcare systems in the world.

Question agreed to.

CONDOLENCES

Carlton, Hon. James (Jim) Joseph, AO

The PRESIDENT (15:33): Senators, it is with deep regret that I inform the Senate of the death on 24 December last year of the Hon. James (Jim) Joseph Carlton AO, a former
minister and member of the House of Representatives for the division of Mackellar, New South Wales, from 1977 until 1994.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:34): by leave—I move:

That the Senate records its deep regret at the death, on 24 December 2015, of the Honourable James (Jim) Joseph Carlton AO, former minister and member for Mackellar, places on record its appreciation of his long and highly distinguished service to the nation and tenders its profound sympathy to his family in their bereavement.

Jim Carlton was born in Sydney on 13 May 1935 and educated at state schools and then at Marist Brothers Kogarah—the same school where he befriended his younger pal former senator Graham Richardson—and at the University of Sydney, where he studied science and engineering and led both the student representative council and the University Liberal Club. After graduation he worked as a manager in a manufacturing company in Britain for several years before joining the global management consulting firm McKinsey. In 1971 back in Australia he succeeded Sir John Carrick as the general secretary of the New South Wales division of the Liberal Party when Sir John entered this chamber. In 1977 Jim Carlton succeeded WC Wentworth as then only the second member for Mackellar, serving in the House of Representatives until 1994 when he was succeeded by a member of this chamber—the Hon. Bronwyn Bishop.

Jim Carlton served as Minister for Health and Minister Assisting the Minister for National Development and Energy in the last year of the Fraser government in 1982-83. Subsequently he held a variety of shadow ministerial posts, including health, Treasury, education and defence, and key positions in opposition policy formulation and coordination until his retirement from the House of Representatives in 1994 to become the secretary-general of the Australian Red Cross. It was thus Jim Carlton's misfortune that his most fertile years in the Australian parliament were years which coincided with the Liberal Party's period in opposition during the period of the Hawke and Keating governments. Nevertheless, his career also demonstrates the weight and impact of a contribution of a sharp public policy mind from the opposition benches.

In his valedictory speech to the House of Representatives Jim Carlton said that he would often ask himself the question: what have I done for Australia? The answer, although Jim Carlton would have been far too modest to have given it, is that he did an immense amount for Australia and, in a variety of ways, for the wider world. His place in the history of this country is far greater than a mere recitation of the positions he held, impressive though that list might be, for he was one of the most influential thinkers and activists in one of the most important intellectual and political movements of recent generations—those who, in the 1970s and 1980s, led the public policy agenda in the direction of freer markets; more limited, yet more efficient and effective government; and facing up to the need for Australia to compete in an intensifying global economic competition. Without this intellectual and political development, the liberalisation of the Australian economy under the prime ministerships of Bob Hawke, Paul Keating and John Howard would not have happened. That liberalisation contributed to Australia, remarkably, being spared a recession for a quarter of a century now, and to countless Australians having better jobs and higher living standards than would otherwise have been the case.
Jim Carlton worked in the tradition of Bert Kelly, and along with some other dry colleagues such as John Hyde and Peter Shack, through the Crossroads Group and the Society of Modest Members. That band, initially backbenchers, stood up to Prime Minister Fraser and, later in their careers, supported the liberalisation by the Hawke and Keating governments of Australian economic policy. Through painstaking policy preparation, through long years of opposition, they were important contributors to the economic policy developments of those years, which were carried largely in a bipartisan manner—a notable feature of those times—and which would not have been achieved had it not been for the wise bipartisanship that the Liberal opposition in those days, under the influence of men like Jim Carlton, offered.

Jim Carlton's work and its profoundly positive impact show, above all, the power of ideas, especially when those ideas are combined with the hard slog of careful organisation and tireless advocacy. Among his political generation, Jim Carlton was seen as very much of the front rank of our political leaders on the non-Labor side of politics. Indeed, his status in the Liberal Party of that generation was such that on one occasion he was a candidate for the leadership of the Liberal Party.

At the state memorial celebration of Jim Carlton's life, held recently at the University of Melbourne, and attended notably by both John Howard and Paul Keating, Professor Ross Garnaut spoke of Jim Carlton's assistance to him when he, Garnaut, had been Bob Hawke's economic adviser—a great example to us all of the benefits of cross-party cooperation and support for good public policy in the nation's interest, leaving aside mere partisan considerations. Of that, Jim Carlton was a very fine exemplar.

His business experience in Britain and the United States, as well as in Australia, convinced him that Australia not only must but also could compete strongly in the increasingly globalised and competitive economy. He was much influenced by the ideas that underpinned Germany's postwar economic miracle. He saw economic policy as a means to better social outcomes, using market forces for social good. He denied the false antithesis between rational economic policy and compassionate social policy. Indeed, he believed, and in a sense this is the emblem of his career, that a good society depends upon a good economy, a compassionate society depends upon a prosperous economy, and a prosperous economy is underwritten by the economic reforms and liberalisation which were trademarks of his career.

He was, all his life, guided by strong, compassionate, humanitarian convictions; a career bookended by his active opposition, as a Liberal student leader in the 1950s, to the White Australia policy and, at the end, by his occupancy of the position as chairman of the Red Cross. But throughout all this his commitment to a freer market, precisely because it created more and better opportunities, was his hallmark. He contributed to Australia's international reputation in his post-parliamentary life, through his work with the Red Cross, for which he was awarded the highest international honour that that distinguished body can confer: the Henry Dunant Medal. Jim Carlton argued for the government to focus on opportunities for young people with youth orientation, as he put it, and for gender equality. So he was both an economic and social liberal, committed to the idea of freedom. He was the embodiment of the cool head and the warm heart.

Jim's interest in the wider world and Australia's place in it reflected in extensive work of foreign and defence policy and on foreign aid, including work to promote democracy internationally. In 1985 he helped to establish an Australian branch of the international
committee for a Community of Democracies, and later served as an international vice president of that body. He was a Commonwealth observer at the 1991 elections in Zambia, which saw a return to multiparty democracy in that nation.

Jim Carlton was a politician with a hinterland; with broad cultural, intellectual and indeed culinary interests. He was, for example, a passionate devotee of opera—particularly German opera, from Beethoven to Wagner to Richard Strauss.

Alongside his humanitarian motivation, his focus on long-term strategy and his broad interests, Jim brought to all that he did the emphasis on the value of operational efficiency that he learnt as an industrial manager and as an adviser to the private sector. This reformist impulse was evident, for example, in his work as general secretary of the New South Wales division of the Liberal Party in the early 1970s in promoting national rather than state based federal election campaigns, in his promotion of efficiency, accountability and integrity in public administration, in his work with the Red Cross to combine eight separate blood banks into a national Red Cross Blood Service and in his advocacy of digitisation of archives when he chaired the advisory council of the National Archives of Australia.

In his retirement, as many warm tributes since his death reflect, Jim's expertise and active, probing mind were widely sought and deeply valued by government, business, the not-for-profit sector and academia. For example, with Ross Garnaut and Tricia Caswell, he was nominated by BHP to serve on the board of the Papua New Guinea sustainable development program to ensure the proceeds of the Ok Tedi mine best served the needs of Papua New Guinea. He was a senior adviser to the Boston Consulting Group. He served on boards such as the Australian Strategic Policy Institute and the Cranlana Program. He was active in the Accountability Round Table, helped to found the Australia and New Zealand School of Government and held adjunct professorships with the National Institute for Governance at the University of Canberra and the Centre for Public Policy at the University of Melbourne.

He was a man of parts, a person of enormous intellectual substance and depth. But, as well as a sharp mind, Jim Carlton always had a ready smile, a twinkle in his eyes, an amusing story and an encouraging word. Many present and former members of this parliament, including the present Prime Minister, Mr Turnbull, and my colleague Senator Fierravanti-Wells, regarded him as both a mentor and a friend. I remember him fondly. He was very kind to me and always had an encouraging word for me in my political career, including until the time I most recently saw him, at a function in this city last year. His friendliness to all and the work of his wife, Diana, in promoting friendship between the partners of members and senators across parties contributed greatly to the respect and warmth with which Jim and Di were regarded throughout the parliament. Which of his colleagues were the subjects of his greatest gift for mimicry we might never fully know!

Above all, of course, Jim Carlton was a loving husband to Di and a loving father to Alex, Freya, his late son Richard and Rob, and an adored grandfather to Ned, Angus, Rosie, Claudia, Tom, Leo and Jim. Our hearts go out to them in their loss as we share their pride in the remarkable life of Jim Carlton. Those of us who had the privilege to know him are the richer for his friendship and his encouragement, and our nation is truly the richer for the powerful impact which he had on this parliament and on Australian public policy, for his pioneering intellect and for his profound commitment to public service for the good of the people of Australia.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:48): I rise also to speak, on behalf of the opposition, on this motion of condolence on the passing of the Hon. James Joseph Carlton AO. At the outset I convey the opposition's thoughts for his wife, family and friends at this time.

Mr President, today we remember Jim Carlton, and we acknowledge his service as a member of the parliament from 1977 to 1994, as Minister for Health and Minister Assisting the Minister for National Development and Energy in the Fraser government from 1982 to 1983, and as Secretary General of the Australian Red Cross from 1994 to 2001. And we also recall the role—as my colleague the Leader of the Government has extensively outlined—that Mr Carlton played as a thinker and agitator inside the Liberal Party for changes to its approach to economic policy.

Jim Carlton grew up in suburban Sydney in a household that felt the effects of the Depression in the 1930s. After completing a science degree and working in business and industry for a decade, he came to the other place by a pathway that is often maligned in public discourse: he was a party official. He served as the general secretary of the New South Wales division of the Liberal Party for six years before his election as the member for Mackellar in 1977. In making his first speech, he was given the honour of moving the address in reply to the speech of the Governor-General, and he spoke principally on issues of economic management, on the importance of motivating investment and on lowering unemployment. He sought to balance the challenges of industry restructuring with a call for policy settings that would stimulate employment growth, including the development of local skills.

Exploring new answers and charting a new course on economic policy would be a continuing theme throughout his career.

It was Jim Carlton's role as a leading economic dry within the Liberal Party that is perhaps his greatest political legacy. With others, he successfully gained the political ascendancy as the Liberal Party moved from government to opposition, seeking to—and I quote him—'put intellectual spine into Liberalism in Australia'. He described his mission as shifting Australia from—and I again quote—'an essentially inward looking and somewhat protectionist society into a liberal market economy that was capable of standing in the world as an equal with anybody else'. He sought efficiency in public administration and containment of spending, and in this he found increasing levels of agreement on both sides of politics.

In many ways, his social views were more progressive than many of his colleagues who shared his opinions on economic policy. He said in his valedictory speech that he was worried he had been characterised as being solely concerned with economic issues but stated that he had only ever regarded these as a means to achieving social outcomes. Mr Carlton took his inspiration from a West German economist and politician, the architect of that country's postwar recovery, Ludwig Erhard, and in him saw the benefit of the combination of market based economic policies with active government-led social policies, creating a compassionate framework for the use of market forces for social good.

Paradoxically, it was probably in social policy more than economics that Jim Carlton was to get his opportunity to be a member of the executive as Minister for Health for 10 months before the Fraser government lost office in the 1983 election. A couple of months after his appointment The Sydney Morning Herald proclaimed, 'Jim Carlton is a dry who suddenly found himself in a lush and boggy wetland when he was made Minister for Health last May.'
Certainly, receiving the Health portfolio may have been a surprise but it was certainly suited to his management and administrative abilities. He sought improvements in consumer choice and in the standard of care for the aged and chronically ill in a system that still provided assistance to those least able to care for themselves. Concurrently he served as Minister assisting the Minister for National Development and Energy, with his ministerial career coming to a premature end as the Fraser government lost office.

Jim Carlton was not to serve in government again but he held a number of shadow portfolios in opposition, most notably Treasury, between 1985 and 1987, putting him up against Treasurer Paul Keating, who was at the height of his powers. Mr Keating, unsurprisingly, found a number of colourful things to say about Mr Carlton over the course of their time in parliament together, but his attendance at Mr Carlton's state memorial service was a demonstration of the respect the former Prime Minister held for his one-time sparring partner. In his remarks on his valedictory in 1993, Mr Keating said of Mr Carlton:

Jim Carlton has enjoyed a tremendous friendship with most members of this parliament. He is an exceptionally likeable person. As a consequence, most people like him.

Mr Carlton also had responsibility at various times in opposition for Health, Education, Defence and Environment, and later he was to have a key role in policy coordination between 1990 and 1993, including in the development and promotion of the Fightback package and, later, in its review.

Of interest to those in this place might be Jim Carlton's views about the role of the other place in the legislative process. In his valedictory speech, he decried the lack of consideration given to legislation in the other place, observing that:

In this sense this chamber is almost worthless and the Senate is having to do a double job of both primary and secondary treatment. It is important that this House becomes a primary treatment area for legislation and that issues are properly aired and legislation cleaned up, including with public hearings, before it goes across to the Senate.

He felt that the Senate would be easier to deal with if this chamber received legislation which had been the subject of more comprehensive scrutiny. Regrettably, I am not sure his suggestions have yet been acceded to.

Jim Carlton did not leave public service when he left public office. As my colleague Senator Brandis has said, he took up the position of Secretary General of the Australian Red Cross, retaining this until 2001. He relished the opportunity to work for a wonderful humanitarian organisation with responsibility both for national and international operations. Amongst his various achievements was the combination of the eight separate blood banks run by the states and territories into the unified service.

Speaking on the occasion of Jim Carlton's retirement from parliament, the then Leader of the Opposition, Dr Hewson, accurately reflected on the quality of his contribution. He said:

He concentrates a lot more on ideas than on the personalities of the business. In that sense he has made his greatest contribution. Jim will be remembered for the ideas he has generated in a policy sense and the contribution he has made to the development of ideas, much more broadly than just on our side of politics.

Jim Carlton will be remembered as a politician who pursued ideas he thought were right, and that is a fine legacy.
Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:55): I rise on behalf of the National Party to support the motion of condolence. It is always hard to hear of the passing of a good man. The Hon. Jim Carlton AO was certainly that: a good and decent man who has left a positive, lasting legacy. Mr Carlton lived by his principles, and the nation is a better place for his life.

Mr Carlton was born in Sydney on 13 May 1935 and completed his tertiary education at Sydney university. Perhaps it was the completion of a science degree that started the spark of his reputation as a strategic and innovative thinker. A decade working in business and industry sectors gave Jim those practical skills and that life experience that would stay with him for the remainder of his life.

In 1971 Mr Carlton became the General Secretary of the New South Wales Liberal Party, and it was during this time he demonstrated his unifying reputation in building a national campaign effort for the Liberal Party, which until then had been sort of state-isolated. Elected to federal parliament in 1977, he diligently represented the seat of Mackellar in the House of Representatives until his retirement in 1994. During that time he held a variety of positions, including shadow Treasurer, shadow minister for health and a number of other shadow ministry positions. Jim Carlton was a role model for all politicians, demonstrably and strategically emphasising long-term prosperity for our nation over short-term politics.

I want to take time to talk briefly about Mr Carlton's efforts following his time in politics, including his role as Secretary General for the Australian Red Cross. I think his most notable achievement was the establishment of the National Australian Red Cross Blood Service from what were then separate—and some would argue disparate—state and territory services. In referencing this commendable service that saves the lives of so many every year, I know that Jim would never want me to miss an opportunity to encourage all those listening to take the time to visit donateblood.com.au and make an appointment. It would be a very fitting way to honour his legacy.

Mr Carlton's achievements were acknowledged by the Red Cross in 2007 when he was awarded the highest, most prestigious, honour available to the Red Cross, the Henry Dunant Medal. This award followed earlier awards, including the Order of Australia and the Centenary Medal in 2001. The Prime Minister recently described Mr Carlton as 'a particularly warm-hearted and likeable man'. I would like to think Mr Carlton's nickname—provided by the opposition in that day, I think somewhat fondly—'Old Rosie' can now be used to describe and recall his warmth of character.

Mr Carlton's great mind and his lifelong commitment to humanity are tragically now lost to this nation. National thoughts and prayers go out to Jim's wife, Diana, and to their children, Alex, Freya and Rob, in what would have been a very difficult Christmas. Even in passing, Mr Carlton is helping others: he most generously donated an organ to another person in need. His legacy lives on. Vale, Jim Carlton.

Senator FIERRAVANTI-WELLS (New South Wales—Assistant Minister for Multicultural Affairs) (15:59): I am honoured to be afforded the opportunity to speak on this condolence motion and say a few words in memory of my former boss and mentor, the Hon. Jim Carlton AO.
I attended Jim's state memorial service on 14 January 2016 in Wilson Hall, at the University of Melbourne. The word most used by those who spoke about Jim was 'gentleman'. Jim truly was a gentleman. You have only to look at the various press reports of the service to see that—for example, The Australian Financial Review talked about a 'Bipartisan flavour to Jim Carlton farewell'. Present there were, as has been indicated, former prime ministers John Howard and Paul Keating, former deputy prime minister Tim Fischer, former ministers Fred Chaney and Gareth Evans and of course my own colleagues Andrew Robb, Josh Frydenberg and Kevin Andrews. The Financial Review report refers to the very lively relationship that Jim had with Mr Keating, who, as Minister Scullion mentioned, referred to him as 'Old Rosie' in reference to Jim's rather pinkish complexion, not of course to his politics. As the Attorney correctly said, Jim combined not just the economic dry but the small 'l', socially progressive liberal in the political spectrum.

On the same day as his memorial service, there was a very moving piece titled 'Jim Carlton: a gentleman reformer who led the dry argument' by Peter Shack, who was one of Jim's longstanding friends and parliamentary colleagues. The article recalls various anecdotes about their time together but most importantly their time together during the Fraser years pushing for and adopting more market based and competitive policies—the article talks about how they used to meet in Jim's cramped little office—and that is how the dries were formed. It then goes on to talk about Bert Kelly and the work that they did, the work that Jim, Phil Lynch, John Hyde and others did and, instrumentally, the forming of the Society of Modest Members and the Crossroads Group.

I met Jim in 1990, when I approached him for a job. At that time, I was an acting principal legal officer with the Australian Quarantine and Inspection Service on secondment from the Australian Government Solicitor. I wrote to Jim and said, 'I would like a job with you.' At that time I was on the princely salary of $70,000, but I took a salary cut of half my salary to go and work with Jim. The rewards of working with Jim were greater. They were, indeed, the beginning of my political career. At the time, Jim was responsible for policy coordination and development. Together with David Kemp he was responsible for transition to government. Jim gave me a wonderful opportunity as a government lawyer. I had a good understanding of the public sector, having had the opportunity to act for many government departments and statutory authorities. Having had that experience, he afforded me a great chance to work very closely with him.

The first thing that he did was to give me a paper on vertical fiscal imbalance. Jim adhered to the Freiburg school of thought, which had influenced the reconstruction of Germany after the Second World War. I learnt a lot about Ludwig Erhard, famed for leading the German postwar recovery. Jim would organise gatherings where like-minded dries would come together to discuss important economic issues. The passion and debate at these gatherings was wonderful to witness, certainly to a budding politician. We also supported the Modest Members and their activities at Parliament House. I still recall Bert Kelly coming into the office with his little old school case and the wonderful discussions that would ensue. The work that Jim did as a minister was fantastic, but I actually think that the work he did while we were in opposition is truly what he will be remembered for.

At that time our shadow ministers were in various policy groups. It enabled them routinely to discuss their policy proposals but, more importantly, it enabled them to ensure that the
broad policy agendas aligned with each other. Jim chaired the social policy group, but in his shadow role as policy coordinator he also coordinated policy right across the opposition. It was the time of Fightback, so our work was intense, detailed and very complex. My job was to take Fightback and translate that into the public sector changes necessary. I acquired copious quantities of butcher's paper. The office had two charts, on opposite walls—we were of course on the House of Reps side. One wall had a long sheet with the Public Service as it was then, down to the assistant secretary level, and on the other side was the Public Service under Fightback, down to the same level. My job was to look after the paper on the wall, but there was a lot of work that went into it. The thing about Jim that was wonderful was that he always welcomed discussion. He challenged me to be my best, to think clearly and to contribute always to the discussion. I saw that process of policy and politics firsthand. I learnt from a good man, a man who respected the process and who respected others. Indeed, our corridor on the first floor on the Reps side had all these former ministers, both Liberal and Labor, and the friendship across the political divide spoke of the great respect that Jim was held in. It was a good way to learn the fundamentals of political life.

At the 1993 election, Jim ensured that we were ready for government. We even had the administrative arrangements drawn up. Regrettably, the suitcase of work to transition to day 1 was never opened. It went back to Canberra and into the bowels of coalition history. After the election, I was seconded to be senior private secretary to then Premier John Fahey and I became involved in the division in New South Wales. I stood for preselection a number of times, until coming to this place in 2005. For me there were difficult times along the road, but Jim was always there with me. He supported me, he advised me and he was always there to offer counsel.

After resigning as the member for Mackellar in 1994, Jim went on to run the Red Cross in Australia and, as the Attorney correctly said, he was awarded the Centenary Medal for service to Australian society through parliament and the Australian Red Cross, receiving its highest honour. Later that year, Jim was inducted as an Officer of the Order of Australia for service to the community, particularly through the Red Cross in the areas of international humanitarian relief, international law, peace and disarmament, and to the Australia parliament.

His contribution to public life continued, virtually, until his death. Jim never really retired. His mind was sharp and agile. Indeed, just a few days before he passed away, I called Jim and Di and we had a long chat on a whole range of different issues as I drove down to Wollongong. We had organised for John and me to catch up with Jim and Di in the new year; sadly, this is not to be. Indeed, so many of his former staff attended his service. We were his wider family. I can recall, vividly, lunches that we used to have at his home in Avalon. He always made a point of inviting his staff and former staff to join him at Christmas lunch with Di at his home.

Jim died, as he had lived his life, amongst his beloved family. At the memorial service, his son Rob recounted how Jim had passed away on Christmas eve. Jim loved to cook. The family had gathered at the New South Wales central home of Rob and his wife. Jim was not well and the ambulance was called. As Jim was taken away, he duly reminded Di, as he was carted off, about the preparations for the Christmas roast for the next day—I am recounting the story that his son Rob told at the memorial; but that was Jim to a tee. On Christmas day, his family celebrated his life and the wonderful contribution he had made.
To Di, his wife and partner of many years, to his children—Alex, Freya and Rob—to his grandchildren and to his brothers and sisters, John and I offer our heartfelt condolences on the death of this wonderful man.

On behalf of the Liberal Party of New South Wales, where Jim was the former secretary-general, I record its gratitude for the service that Jim gave. I live in Mackellar; indeed, I live close to the old Wentworth Estate where his predecessor resided. The people of Mackellar still remember Jim Carlton.

Jim Carlton AO was highly regarded, respected and very well liked. He made a great contribution to public policy and debate as a minister and in other fields of endeavour. To me, he was a friend and a mentor. Vale Jim Carlton.

Senator DAY (South Australia) (16:10): Others have noted the late Jim Carlton’s distinguished service for the voters of Mackellar in Sydney; his term as health minister; his service to the Red Cross, receiving their highest honour; later academic contributions; and the Order of Australia recognition.

As chair of the Bert Kelly Research Centre and someone familiar with the group within the Liberal Party known as ‘the dries’, I met Jim regularly at Ray Evans's lunch meetings in Melbourne. Jim participated forcefully in the many debates at those lunches. I do not recall Jim ever missing a meeting.

Jim was a true liberal and in economic matters supported market based competitive policies. Jim, John Hyde and others got together to press on with the cause that Bert Kelly had started but that had been cut short by the end of Bert’s parliamentary career. Jim and Bert's parliamentary terms did not intersect. Bert concluded his service prior to the 1977 election that saw Jim enter parliament.

The former member for Tangney Peter Shack observed in The Australian just before Jim's mid-January funeral that the remaining dries realised after the 1977 election that there was ‘much which needed to be done to drag Australia out of the protected mercantilism of the 1950s and sixties in order to ensure a more internationally competitive nation and greater prosperity for all its citizens’.

Whilst John Hyde took a leading role in the dries, Jim provided the opportunity to sharpen their arguments, posing the wet side of the debates. Jim realised the importance of winning not just the economic arguments but also the moral arguments. Protectionism, for example, had to be exposed as not only economically foolish but also morally wrong. It had to be discredited and Jim was very good at this because he never played the man, only the ball, and was respected by all sides of politics for his gentlemanly conduct. Jim Carlton contributed to the style, tactics and strategies that the dries adopted to win a decades-long campaign of shifting public opinion and economic policy change.

On a personal note, Jim supported me becoming a member of the Society of Modest Members, which continues here today in honour of the late Bert Kelly, the original modest member. I thank the Senate for the time to mark Jim's passing and, like many here, I am happy to carry the torch of reform that Bert, Jim and others have passed to us.

The PRESIDENT: Thank you, Senator Day. I ask honourable senators to stand with me in silence to give assent to the motion.

Question agreed to, honourable senators standing in their places.
Deahm, Ms Margaret (Maggie) Joan

The PRESIDENT (16:13): It is also with further deep regret that I inform the Senate of the death on 28 December 2015 of Margaret Joan Deahm, a member of the House of Representatives for the division of Macquarie in New South Wales from 1993 until 1996.

NOTICES
Presentation

Senator Back, Reynolds and Smith to move:
That the Senate—
notes the severity of recent catastrophic bushfires across Western Australia, South Australia, Victoria and Tasmania, and extends its deepest sympathy to the families of those who have lost their lives, livelihoods, homes, property and livestock;
acknowledges the impact of devastating bushfires on the community;
urges the Government to work closely with the states and territories in bushfire prevention, preparedness, response and recovery;
recognises that, in forests throughout Australia, combustible fuels have accumulated to levels that severely challenge safe fire suppression;
encourages state and territory authorities to focus on bushfire prevention when developing strategies to protect their communities and the environment;
recalls the practice of mosaic burning of the bush practised by Aboriginal peoples extending back thousands of years; and
calls on more focussed work by fire agencies and research institutions to minimise the impact of devastating bushfires in affected communities.

Senator Lambie to move:
That the Senate—
notes that under the United Nations oversight:
rogue nation and dictatorship North Korea has successfully carried out four nuclear bomb tests in 10 years,
Islamic State terrorists control the site of the nuclear plant Syria was building with North Korean assistance,
Islamic State terrorists could be in control of a Syrian nuclear reactor producing plutonium, or at least significant quantities of radioactive material, had Israel not destroyed the site, and
rogue nation and theocratic dictatorship Iran has successfully negotiated a deal with America to drop hundreds of billions of dollars in economic sanctions while still denying the world full knowledge of its nuclear weapons programs; and
calls on the Government to express the grave concerns of the Australian people about the ability of the United Nations to safely and properly oversee and manage the possible military dimensions of North Korea’s and Iran’s nuclear programs.

Senator Lambie to move:
That the Senate—
notes that Parliamentary Library Research indicates that:
states and territories are responsible for regulating and issuing licences to operate poker machines,
reporting of data on poker machine activity varies considerably, and there is no apparent requirement to report ownership of licences making the details of the ownership of the licences difficult to obtain, and

Victoria provides reasonably comprehensive data on poker machines, including ownership, but no other jurisdiction publishes such detailed data; and

calls on the Government to work with state and territory governments to establish a national register to allow the public and media to easily identify the persons, companies or groups who hold poker machine licences and own poker machines.

Senator Lazarus to move:

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

The need for a nationally-consistent approach, negotiated, developed and delivered by the Federal Government together with all state and territory governments, to address and reduce alcohol-fuelled violence, including one-punch related deaths and injuries across Australia, with particular reference to:

the current status of state and territory laws relating to:

bail requirements and penalties surrounding alcohol–related violence, and

liquor licensing, including the effectiveness of lockout laws and alcohol service laws;

the effectiveness of the current state and territory:

training requirements of persons working within the hospitality industry and other related industries, and

educational and other information campaigns designed to reduce alcohol–related violence;

the viability of a national strategy to ensure adoption and delivery of the most effective measures, including harmonisation of laws and delivery of education and awareness across the country, and funding model options for a national strategy;

whether a judicial commission in each state and territory would ensure consistency in judgments relating to alcohol–related violence in line with community standards; and

any other related matter.

Senator Carr to move:

That the Customs (Anti-Dumping Review Panel Fee) Instrument 2015, made under subsections 269ZZE(3) and 269ZZQ(2) of the Customs Act 1901, be disallowed [F2015L01735].

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

Senators Polley and Bilyk to move:

That the Senate—

notes that:

February is Ovarian Cancer Awareness Month,

the campaign for 2016 urges Australians to ‘Know Ovarian Cancer’, and

only 43 per cent of women diagnosed with ovarian cancer each year will survive; and

urges federal, state, territory and local governments to take leadership in encouraging Australian women to become more aware of the signs and symptoms of ovarian cancer, to know their family history and where to get help, and to create communities where people openly talk about ovarian cancer.
Senator Wang, Minister for Employment (Senator Cash), Senators Bullock, Sterle, Siewert, Lines, Ludlam, Minister for Finance (Senator Cormann) and Senator Smith to move:

That the Senate—

acknowledges the devastating impact of the bushfires in Yarloop, Waroona, Wagerup and surrounding communities in Western Australia from 6 January 2016, which sadly:

claimed the lives of Mr Les Taylor and Mr Malcolm Taylor,
caused injury to a number of community members, volunteers, emergency workers and firefighters,
damaged more than 70 000 hectares of property,
destroyed 180 buildings and infrastructure in totality, of which 162 were family homes, and
left many residents without essential services, including water and electricity, for days;

expresses sincere condolences to:

the family and friends of Mr Taylor and Mr Taylor for their loss, and
members of the Yarloop, Waroona, Wagerup and surrounding communities for the losses they have suffered as a result of the disaster;

extends sincere gratitude to:

all the firefighters and emergency services workers who braved the perilous conditions to save lives and property, and

the volunteers and community members who risked their lives in an attempt to lessen the effects of the disaster and offered support throughout the disaster, including those responsible for operating evacuation centres;

notes that the Insurance Council of Australia labelled the bushfire as a ‘catastrophe’ resulting in insured losses of more than $57 million and that not all losses suffered will be insured;

commends the establishment of an independent inquiry to examine a number of important factors, including but not limited to:

the effectiveness of pre-incident bushfire prevention and mitigation activities,
the effectiveness of emergency management plans and procedures,
protection of essential services infrastructure and access to essential services (power, transport, water and communications) by emergency services organisations and the community,
the effectiveness of public messaging, including the adequacy and timeliness of emergency warnings issued to residents and visitors, and

the lessons learned from prior bushfire emergency situations in Western Australia; and

calls on the Western Australian Government to undertake an extensive consultation process with members of the Yarloop, Waroona, Wagerup and surrounding communities to determine the best course of action in respect of rebuilding each respective township.

Senator Waters to move:

That the Senate—

notes that:

it has been over 150 days since the former Sex Discrimination Commissioner, Ms Elizabeth Broderick, stepped down at the end of her term,
during that time, there have been multiple high-profile examples of sexism and sexual harassment,
in October 2015, the Attorney-General (Senator Brandis) told a Senate committee that the selection process to appoint the next Sex Discrimination Commissioner had been under way for ‘some months’, and
there is no longer a full-time Disability Discrimination Commissioner; and
calls on the Federal Government to appoint a female full-time Sex Discrimination Commissioner without delay.

Senator Smith to move:
That the Joint Committee of Public Accounts and Audit be authorised to meet, as follows:
to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 4 February 2016; and
to hold public meetings during the sittings of the Senate from 10.45 am, as follows:
Thursday, 25 February 2016,
Thursday, 3 March 2016, and
Thursday, 17 March 2016.

Senator Fawcett to 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:
Thursday, 4 February 2016, from 12.45 pm, to take evidence for the committee’s inquiry into the role of development partnerships in agriculture and agribusiness in promoting prosperity, reducing poverty and enhancing stability in the Indo-Pacific region;
Monday, 29 February 2016, from 10 am, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty;
Tuesday, 1 March 2016, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty; and
Tuesday, 15 March 2016, from 12.45 pm, to take evidence for the committee’s inquiry into Australia’s advocacy for the abolition of the death penalty.

Senator Brown to move:
That the Joint Standing Committee on the National Capital and External Territories be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:
Thursday, 4 February 2016;
Thursday, 25 February 2016;
Thursday, 3 March 2016; and
Thursday, 17 March 2016.

Senator Rhiannon to move:
That the Senate—
notes that:
the Federal Government has approved an Instrument Landing System (ILS) for the Gold Coast Airport (GCA) at a cost of $10 million,
Qantas Group head of safety and compliance, Mr Mark Cameron, has written to former GCA Chief Operating Officer, Mr David Collins, stating Qantas does not support the ILS proposal, claiming it is not value for money and will likely be outdated technology,
residents from Coolangatta to Surfers Paradise will experience more noise pollution due to a new flight path associated with the ILS, particularly if a runway extension results in larger aircraft flying over the Tweed,

the former New South Wales Deputy Premier and New South Wales National Party Leader, Mr Andrew Stoner, granted the GCA an 84 year lease over the New South Wales Crown Reserve for public recreation/conservation for any and all airport facilities, including works associated with a runway extension (New South Wales Government Gazette, No. 138, 18 October 2013),

under the Air Services Act, the ILS is exempt from any New South Wales land use laws or regulations protecting the environmental assets of the Crown Reserve, and

fishing industry representatives are concerned that the clearing of the Cobaki wetlands and saltmarsh required for the ILS would impact on Class 1 fish breeding habitat; and

calls on the Federal Government to defer its approval for the ILS installation to allow an investigation to be held into the New South Wales Crown Land lease, and the availability of more cost-effective and environmentally-friendly technology.

Senators Smith, Reynolds and Johnston, Minister for Finance (Senator Cormann), Senator Back and Minister for Employment (Senator Cash) to move:

That the Senate—

congratulates the 37 worthy Western Australians who were recipients of Order of Australia awards on 26 January 2016 for their outstanding achievement and service; and

particularly notes the following recipients:

Mr Murray Davidson Nixon OAM for service to the Parliament, to the agricultural sector and to the community of Western Australia,

Mrs Wendy Ireland OAM for service to public administration in Western Australia and to the community,

the Honourable Norman Frederick Moore AM for significant service to the Parliament of Western Australia through a range of portfolio responsibilities, to education and to the community, and

Mrs Elsia May Archer OAM for service to local government and to the community of the West Kimberley.

Senator Ludlam to move:

That the Senate—

notes the findings of the Federal Auditor-General’s report that examined approval and administration of federal funding for the East West Link project, including:

the commitment of $3 billion funding went against ‘clear advice’ from the public service that the project had not been justified and was not ready,

neither stage of the project had proceeded fully through processes that have been established to assess the merits of nationally significant infrastructure investments prior to the decision to approve $3 billion in Commonwealth funding,

at the time the commitment was made it was not considered to have yet demonstrated strong strategic and economic merit by Infrastructure Australia, and

the payment came just months after the Coalition promised not to fund infrastructure projects worth more than $100 million without the publication of a proper cost-benefit analysis;

notes that the Federal Government funded the East West Link project at the same time as it cancelled existing investment in public transport projects like the Perth Light Rail project and the Melbourne
Metro Rail project—both of which had been assessed and included by Infrastructure Australia on their infrastructure priority list; and requests that, given the almost identical characteristics, the Auditor-General investigate the Commonwealth funding approvals and decisions taken for the Perth Freight Link and WestConnex projects.

**Senator Siewert** to move:

That the Senate—

notes that:

in the 2014-15 financial year Centrelink had 62,691 complaints, an increase of 18.8 per cent on 2013-14,

the top complaint was difficulties with phone services, and

the Government has a clear policy of driving people to telephone and online services;

recognises the mounting frustration of Australians who experience difficulties with Centrelink and the Department of Human Services, particularly using telephone services and the myGov website; and

calls on the Government to address Centrelink’s service delivery failures, including telephone wait times, and provide appropriate support to the millions of Australians who rely on Centrelink and the Department of Human Services.

**BUSINESS**

**Consideration of Legislation**

**Senator RYAN** (Victoria—Assistant Cabinet Secretary) (16:14): I move:

That general business order of the day no. 35 (Recognition of Foreign Marriages Bill 2014) be considered on Thursday, 4 February 2016 under consideration of private senators' bills.

Question agreed to.

**Leave of Absence**

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (16:15): by leave—I move:

That leave of absence be granted to Senators Abetz and Ronaldson from 2 to 4 February 2016, for personal reasons.

Question agreed to.

**NOTICES**

**Withdrawal**

**Senator McEWEN** (South Australia—Opposition Whip in the Senate) (16:15): On behalf of Senators Lines and Dastyari, I withdraw business of the Senate notices of motion Nos 1 and 8 standing in their names for today, proposing references to the Education and Employment References Committee relating to Australian resources projects and primary and secondary school education respectively.

**Postponement**

**The Clerk**: Postponement notifications have been lodged in respect of the following:

Business of the Senate notice of motion no. 6 standing in the name of Senator Xenophon for today, proposing a reference to the Environment and Communications References Committee, postponed till 4 February 2016.
General business notice of motion no. 93 standing in the name of Senator Ludlam for today, proposing the introduction of the Telecommunications (Interception and Access) Amendment (Get a Warrant) Bill 2014, postponed till 25 February 2016.

General business notice of motion no. 911 standing in the name of Senator Hanson-Young for today, proposing the introduction of the Migration Amendment (Free the Children) Bill 2015, postponed till 22 February 2016.

General business notice of motion no. 980 standing in the name of Senator Rhiannon for today, relating to funding for family planning, postponed till 22 February 2016.

COMMITTEES

Economics References Committee

Foreign Affairs, Defence and Trade References Committee

Reporting Date

The Clerk: Extension notifications have been lodged in respect of the following:

Economics References Committee—forestry managed investment schemes—extended from 16 December 2015 to 4 February 2016

Economics References Committee—implications of financial advice reforms—extended from 2 February to 31 August 2016

Foreign Affairs, Defence and Trade References Committee—mental health of returned Australian Defence Force personnel—extended from 19 February to 29 February 2016

The PRESIDENT (16:17): Does any senator wish to have any of those motions put? There being none, I shall now proceed to the discovery of formal business.

Finance and Public Administration References Committee

Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (16:17): At the request of Senators Carr, Muir, Madigan, Xenophon and Rice, I move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 23 June 2016:

(a) progress made by the Government to address the recommendations in relation to paper procurement in the Finance and Public Administration References Committee's report, Commonwealth procurement procedures (tabled 17 July 2014);
(b) the impact of procurement connected policies, with particular reference to the ICT Sustainability Plan and the National Waste Policy, on securing manufacturing investment and jobs in the paper sector; and
(c) any other related matters.

Question agreed to.

Environment and Communications References Committee

Reference

Senator McEWEN (South Australia—Opposition Whip in the Senate) (16:18): At the request of Senator Urquhart, I move:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 22 June 2016:
The risks and opportunities associated with the use of the bumblebee population in Tasmania for commercial pollination purposes, including:
(a) the existing distribution and population density of exotic bumblebees;
(b) productivity and economic benefits of the commercial use of bumblebees for agricultural producers;
(c) the potential environmental impacts associated with the commercial use of bumblebees, including whether their use is likely to:
   (i) impact the conservation status of a species or ecological community,
   (ii) impact biodiversity,
   (iii) cause unintended ecological impacts, and
   (iv) contribute to a wider distribution of bumblebees;
(d) the implications for Australia’s biosecurity regime of any approval to use bumblebees in Tasmania for commercial purposes;
(e) the potential economic outcomes;
(f) the effectiveness of alternative pollination options; and
(g) any other related matters.

Question agreed to.

Community Affairs References Committee
Reference

Senator XENOPHON (South Australia) (16:18): Mr President, I ask that Senator Madigan's name be added as a co-sponsor of this motion. I, and also on behalf of Senator Madigan, move:
That the following matter be referred to the Community Affairs References Committee for inquiry and report by 23 June 2016:
The medical complaints process in Australia, with particular reference to:
(a) the prevalence of bullying and harassment in Australia’s medical profession;
(b) any barriers, whether real or perceived, to medical practitioners reporting bullying and harassment;
(c) the roles of the Medical Board of Australia, the Australian Health Practitioners Regulation Agency and other relevant organisations in managing investigations into the professional conduct (including allegations of bullying and harassment), performance or health of a registered medical practitioner or student;
(d) the operation of the Health Practitioners Regulation National Law Act 2009 (the National Law), particularly as it relates to the complaints handling process;
(e) whether the National Registration and Accreditation Scheme, established under the National Law, results in better health outcomes for patients, and supports a world-class standard of medical care in Australia;
(f) the benefits of 'benchmarking' complaints about complication rates of particular medical practitioners against complication rates for the same procedure against other similarly qualified and experienced medical practitioners when assessing complaints;
(g) the desirability of requiring complainants to sign a declaration that their complaint is being made in good faith; and
(h) any related matters.
Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:19): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The National Registration and Accreditation Scheme is enacted by state and territory law. It is not Commonwealth legislation. Work is already underway to address many of the issues in the terms of reference. For example, health ministers have already approved recommendations from the NRAS review to streamline and improve the AHPRA’s notification and complaints systems. The Royal Australasian College of Surgeons has released a report on the issues of discrimination, bullying and sexual harassment. The RACS has accepted all recommendations and developed an action plan in response. The RACS is working collaboratively with all major stakeholders, including the AMA and state and territory health departments, to address cultural issues and to ensure that medical practitioners feel that they will be treated fairly and transparently if they make a report or notification.

Question agreed to.

NOTICES
Postponement

Senator SIMMS (South Australia) (16:20): by leave—I move:

That business of the Senate notice of motion no. 5 standing in the names of Senator Simms and Senator Xenophon for today, proposing a reference to the Environment and Communications References Committee, be postponed till 4 February 2016.

Question agreed to.

MOTIONS
Transport Industry

Senator WILLIAMS (New South Wales) (16:21): I, and also on behalf of Senator Sterle, move:

That the Senate—

(a) notes that:

(i) the trucking industry consists of approximately 49 000 businesses of which 25 000 are owner-drivers,

(ii) road freight transport delivers more than 2 billion tonnes of goods per year, which is 71 per cent of Australia's domestic freight,

(iii) the industry has had a poor but improving safety record, particularly considering the growth in the number of trucks on the road, and in the 12 months to the end of September 2015 there were 102 deaths in crashes involving articulated trucks and 82 deaths in crashes involving rigid trucks,

(iv) some large companies have been unfairly asking trucking operators to accept extended payment terms of up to 120 days which is not in the spirit of a harmonious business relationship,

(v) the resultant impact on a trucking operator's cash flow may affect their ability to meet their own financial commitments, such as, for wages, lease payments and maintenance of their vehicles, and

(vi) any reduction in maintenance and repair schedules forced on operators by extended payment terms could lead to more serious accidents and fatalities; and
(b) calls on businesses to adopt payment terms not exceeding 30 days consistent with the requirements of the Road Safety Remuneration Tribunal, and in line with the Australian Government policy of making payments no later than 30 days for many contracts.

Question agreed to.

National Disability Insurance Scheme

Senator LINES (Western Australia) (16:21): I, and also on behalf of Senators Urquhart and Brown, move:
That, on International Day of People with Disability, the Senate calls on state, territory and Commonwealth governments to demonstrate their commitment to people with disability by signing the remaining bilateral agreements for the full rollout of the National Disability Insurance Scheme Australia-wide.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:21): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: Bilateral agreements for transition to the full scheme of the NDIS were signed by the Prime Minister and the premiers of South Australia and Tasmania at COAG on 11 December last year. South Australia and Tasmania have now joined New South Wales, Victoria and the ACT with plans in place for transition to full scheme. Together they will provide insurance to around 300,000 people with disability—more than 65 per cent of the estimated 460,000 people who will access the NDIS nationwide. Negotiations with other jurisdictions are progressing well, and the government remains committed to rolling out the NDIS in full.

Question agreed to.

Housing Affordability

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (16:22): I seek leave to amend general business notice of motion No. 990 standing in my name for today, concerning the implementation of committee report recommendations in relation to housing affordability.

The PRESIDENT: Is this the amendment regarding the date?

Senator LUDLAM: That is correct.

Leave granted.

Senator LUDLAM: This one was held over from last year, which is the reason for the amendment. I move the motion as amended:

That the Senate—

(a) notes:

(i) the findings of the Economics References Committee in its report Out of reach? The Australian housing affordability challenge (received 8 May 2015) containing 40 recommendations, and

(ii) that the Government supported nine of these recommendations, including:

(A) to commit to ensuring adequate funding so that women and children escaping domestic violence are housed in secure and appropriate housing,

(B) investigating housing supply bonds and tax increment financing to fund infrastructure for new housing developments, and
(C) to look closely at its aged care policy in relation to the difficulties confronting older Australians in the rental market; and

(b) calls on the Government to update the Senate on Wednesday, 3 February 2016, on any progress, if at all, on implementing those nine recommendations.

I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: By way of explanation, this motion relates to those findings of a very long and detailed Senate inquiry report into housing affordability that was tabled in May of last year. It had good, strong participation by all sides of this chamber—government, opposition and crossbench. I will get to the consensus recommendations in a moment, but what we found, in my view, was that the Abbott government at the time had pursued effectively a scorched earth policy on housing affordability. They had taken and burned to the ground everything that the previous government—with the support of the crossbench and the Australian Greens—had put into play around homelessness and housing affordability.

There were nine recommendations that coalition senators did find it in their hearts to support. This motion seeks any clarification from the government if anything at all has been done by this government on those nine consensus recommendations that coalition senators reported. It is unforgivable that we have heard nothing from the government on the findings of this report. (Time expired)

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:24): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The government will not be supporting this motion. The affordable housing report is a substantial piece of work. It took the committee 15 months to complete. The committee received 230 public submissions and conducted eight public hearings. The report is almost 500 pages in length and contains 40 very wide-ranging recommendations.

The government needs to ensure its response to the report integrates effectively with other current and recently completed reviews that have impacted or will impact upon housing and homelessness policy settings. The Senate granted the committee a number of extensions of time for reporting, with the final report tabled 11 months after the original reporting date. The government does not consider it unreasonable that the same courtesy be extended in return.

The PRESIDENT: The question is that the motion moved by Senator Ludlam, as amended, be agreed to.

Question agreed to.

Regional Australia: Tambo Teddies

Senator MOORE (Queensland) (16:25): I ask that the name of Senator Macdonald be added to this motion, which could be a historical moment! I, and also on behalf of Senator Macdonald, move:

That the Senate—

(a) notes:

(i) the success of Tambo Teddies as the inaugural winner of Google and the Regional Australia Institute's 'Online Heroes' competition,
(ii) that Tambo Teddies have been making bears and wool products since 1993 in the regional community of Tambo, and in 2015 celebrated bear number 40,000, and

(iii) that this company developed from a government Future Search Workshop, a program to create jobs in country towns in 1992, whilst Western Queensland was suffering a crippling drought and devastating wool prices,

(iv) That the original bears were established by three women, Ms Mary Sutherland, Ms Helen Sargood and Ms Charm Ryrie, and That the business is now a major national and international company; and

(b) acknowledges the enterprise and inspiration of this local business.

Question agreed to.

Family Law

Senator MADIGAN (Victoria) (16:26): I, and also on the behalf of Senators Day, Muir, Wang, Lazarus, Leyonhjelm and Lambie, move:

That the Senate—

(a) notes the 2003 committee report by the House of Representatives Standing Committee on Family and Community Affairs, Every picture tells a story: Report on the inquiry into child custody arrangements in the event of family separation, which recommended that a new non-adversarial system be created; and

(b) calls on the Government to:

(i) recognise that thousands of Australian children continue to be harmed by a family law system that is not fit-for-purpose,

(ii) recognise That the Family Law Act 1975 should be revised, simplified, shortened and based on core principles of the paramountcy of the long-term welfare of children, gender equality, and equal parental care and responsibility, when neither parent has been proven unfit, and

(iii) undertake a root-and-branch review of the family law system with a view to creating a new mechanism that is not adversarial in nature and deals with family separation in a way that has a tangible and primary focus on the welfare of the child, including an urgency for decisions, education and fairness.

Senator MOORE (Queensland) (16:26): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator MOORE: The family law system in Australia has been developed over decades and generally operates effectively in what is an extremely difficult area of law. While all legal frameworks should be subject to ongoing review and reform where the need for improvements are identified, there is no basis for a root-and-branch review of the entire family law system in Australia as proposed by this motion.

The less adversarial trial—LAT—approach was introduced into the Family Court in 2006 by the Family Law Amendment (Shared Parental Responsibility) Act 2006. The enactment of that legislation followed the 2003 House of Representatives Standing Committee on Family and Community Affairs report and a trial conducted in the Family Court at about the same time, known as the Children's Cases Program. This LAT approach is mandated in division 12A of part VII in the Family Law Act. It applies to all child-related proceedings and in financial matters by consent. The LAT has been a highly significant departure from the traditional adversarial trial. (Time expired)
Question agreed to.

International Day of People with Disability

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:29): I, and on behalf of Senators Moore and Lindgren, move:

That the Senate—

(a) notes that:
   (i) 3 December is International Day of People with Disability,
   (ii) the theme for 2015 is 'Inclusion matters: access and empowerment for people of all abilities', and
   (iii) the three sub-themes are:
       (A) making cities inclusive and accessible for all,
       (B) improving disability data and statistics, and
       (C) including persons with invisible disabilities in society and development;

(b) acknowledges International Day of People with Disability is an opportunity for the community to make positive changes to the lives of 4 million Australians;

(c) urges government at all levels to take action to develop inclusive and accessible communities; and

(d) encourages all Australians to get involved in the celebrations in their local community by visiting www.idpwd.com.au.

Question agreed to.

Commonwealth Heads of Government Meeting

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:29): I move:

That the Senate—

(a) congratulates the Right Honourable Patricia Scotland on her selection at the 2015 Commonwealth Heads of Government Meeting (CHOGM) as the 6th Commonwealth Secretary-General; and

(b) notes the 2015 CHOGM Communique which states:
   (i) the Commonwealth Heads of Government reaffirmed their shared and enduring commitment on behalf of the people of the Commonwealth to the values and principles of the Commonwealth Charter,
   (ii) that young people, who comprise sixty percent of the Commonwealth's population, have an important role in building stable, secure and prosperous societies, and that Commonwealth programs can help raise awareness of the risk of radicalisation and prevent young people from embracing violent extremism, radicalisation and terrorism in all its forms,
   (iii) That the Commonwealth recognises that freedom of opinion and expression, freedom of peaceful assembly and association, and freedom of religion and belief are cornerstones of democratic societies, and important for the enjoyment of all human rights, and
   (iv) that good governance and respect for the rule of law are vital for stable and prosperous societies.

Question agreed to.

The PRESIDENT: We now move to No. 1000—lucky 1000!

Telecommunications

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (16:30): Mr President, I am just wondering whether I win anything!

The PRESIDENT: No prizes, Senator Ludlam!
Senator LUDLAM: I seek leave for the same purpose as earlier, to amend general business notice of motion No. 1000, standing in my name for today. It relates to the proposed introduction of mandatory data breach notification laws.

Leave granted.

Senator LUDLAM: I move:
That the motion be amended in the terms circulated in the chamber.

Question agreed to.

Senator LUDLAM: At the risk of being a bit predictable, I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: Thank you. I will not detain the chamber for long. The Senate had begun to debate mandatory data breach notification under the previous government. I do not recall who had carriage of it, but the Labor government had introduced such a bill before the 2013 election and I understood that it actually had the support of all sides of the chamber.

When the government introduced its dramatically unpopular mandatory data retention laws last year it was a recommendation firstly of the Joint Committee on Intelligence and Security, and then it was a commitment of the Attorney-General, George Brandis, to introduce data breach notification laws. Senator Singh had a private senator's bill in this place that I think is midway through debate. All it means is that if an agency or an entity loses control of your private information you have a right to be told. What could be simpler than that?

Where is the bill? After stuffing around for more than two years we got an exposure draft late last year. Why is this not already law? Why does the government not simply get on with it?

I move:
That the Senate—
(a) notes that:
(i) the Senate had begun debate on mandatory data breach notification legislation prior to the 2013 election;
(ii) the Attorney-General (Senator Brandis) committed to introduce data breach notification laws before the end of 2015 during the debate over the national data retention scheme;
(iii) the Attorney-General again committed to introduce such laws to the parliament before the end of 2015 in an answer to a question without notice on 13 October 2015;
(iv) contrary to these commitments, the bill has not been introduced; and
(b) calls on the government to make a statement to the Senate on 3 February 2016 explaining why such legislation has not been introduced, and clarifying the government's intentions.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:31): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: I thank the Senate. The government opposes Senator Ludlam's motion. The government has released an exposure draft to the Privacy Amendment (Notification of Serious Data Breaches) Bill 2015 to consult extensively with industry and other stakeholders
on the proposed scheme, in particular with a view to minimising costs and regulatory impact. The draft legislation and explanatory memorandum regulation impact statement, along with the discussion paper, was released on 3 December last year, and submissions can be made until 4 March this year. The government will closely consider the views of stakeholders and introduce the bill into parliament in the first half of this year.

Strong privacy protections are a critical foundation for a vibrant digital economy. The proposed mandatory data breach notification scheme will give all Australians an added level of confidence in dealing with business and government online.

Question agreed to.

A-League Football

Senator LEYONHJELM (New South Wales) (16:32): I, and also on behalf of Senator Dastyari, move:

That the Senate—

(a) notes:
   (i) complaints by Western Sydney Wanderers fans that a heavy-handed approach to crowd control has been adopted, and that this is deterring fans from attending games,
   (ii) that football fans may be banned from stadiums by Football Federation Australia with no opportunity to appeal against the banning order,
   (iii) the publication of a list of the names of allegedly banned football supporters in the Sunday Telegraph on 22 November 2015, which apparently included individuals who were not banned, and others who were under 18 and had not been charged with any offence, and
   (iv) football fans from a number of clubs have staged walkouts at recent games to protest alleged excessive policing and security, as well as Football Federation Australia's policy regarding banning;
(b) acknowledges Football Federation Australia's:
   (i) recent undertaking to develop an appeals process for banned supporters, and
   (ii) assurances that it was not responsible for making private information about banned supporters available to the Sunday Telegraph;
(c) calls on Football Federation Australia, police, stadium security, active supporter group leadership and A-League clubs to develop an accord, with a view to ensuring:
   (i) Football Federation Australia's banning procedures comply with the rules of natural justice,
   (ii) individuals engaging in anti-social behaviour are appropriately dealt with, while other football fans are allowed to enjoy the game in peace,
   (iii) exuberant fan behaviour should not be unreasonably interpreted as anti-social or harmful, and
   (iv) football supporters are not over-policed; and
(d) calls on the Minister for Sport (Ms Ley) to consider becoming involved in this matter.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:33): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: Thank you, Mr President and the chamber. The government agrees with the general principles of this motion. Over 15 million fans have passed through the turnstiles since the A-League's inception. Of those 15 million fans, only 198 have been banned.
The growth of soccer over the last decade, led by the FFA, has overwhelmingly been a positive development. The government encourages both participants and officials to continue to uphold the principles of positive participation in sports.

Question agreed to.

COMMITTEES

Select Committee on the Murray-Darling Basin Plan

Appointment

Senator LEYONHJELM (New South Wales) (16:34): I move:

That the resolution of appointment of the Select Committee on the Murray-Darling Basin Plan be amended by omitting from paragraph (1) "on or before 26 February 2016," and substituting "by 17 March 2016".

Question agreed to.

Economics References Committee

Reference

Senator WHISH-WILSON (Tasmania) (16:34): I move:

That the following matter be referred to the Economics References Committee for inquiry and report by 22 June 2016:

(a) current and emerging international carbon risk disclosure frameworks;
(b) current carbon risk disclosure practices within corporate Australia;
(c) Australian involvement in the G20 Financial Stability Board discussions on carbon risk impacts for financial stability;
(d) current regulatory and policy oversight of carbon risk disclosure across government agencies; and
(e) any other related matters.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:34): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: Thank you, Mr President. The government does not support additional red tape in an area where Australia is already providing very significant amounts of information. Australia's NGER—National Greenhouse Energy and Reporting System—is renowned as best practice greenhouse gas reporting. Detailed emissions data is publicly available on Australia's National Greenhouse Gas Inventory and Australia's emissions projections.

Australian companies participate in the Emissions Reduction Fund and Safeguard Mechanism. Many Australian companies provide information through the Carbon Disclosure Project and the National Carbon Offset Standard. The National Carbon Offset Standard has recently been reviewed. The International Financial Stability Board is reviewing principles and best practice on carbon disclosure. The National Climate Resilience and Adaptation Strategy provides information on managing climate risks.

The PRESIDENT: The question is that notice of motion No. 2, business of the Senate, moved by Senator Whish-Wilson, be agreed to.
The Senate divided. [16:40]
(The President—Senator Parry)

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

AYES
Bilyk, CL
Cameron, DN
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Marshall, GM
McKim, NJ
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)
Waters, LJ
Xenophon, N

NOES
Back, CJ
Birmingham, SJ
Canavan, MJ
Day, RJ
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
McGrath, J
O’Sullivan, B
Reynolds, L
Ryan, SM
Seselja, Z
Smith, D

PAIRS
Brown, CL
Carr, KJ
Gallagher, KR
McAllister, J
O’Neill, DM
Wong, P

Question agreed to.
DOCUMENTS

Defence

Order for the Production of Documents

Senator LAMBIE (Tasmania) (16:42): I move:

That there be laid on the table by the Minister for Defence (Senator Payne), no later than 3.30 pm on Monday, 22 February 2016, a copy of the Defence White Paper 2015.

Senator RYAN (Victoria—Assistant Cabinet Secretary) (16:43): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator RYAN: The government will release the Defence white paper at a time of its choosing. The Defence white paper will outline the government's strategy and costed plan for our nation's future defence and security. The white paper will reflect the government's strategic, national security, fiscal and broader policy priorities. Along with the white paper, the government will deliver a 10-year, integrated investment program and a defence industry policy statement.

The PRESIDENT: The question is that motion No. 996, moved by Senator Lambie, be agreed to.

The Senate divided. [16:44]

(The President—Senator Parry)

Ayes ...................... 33
Noes ...................... 29
Majority ............... 4

AYES

Bilyk, CL
Cameron, DN
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
Marshall, GM
McKim, NJ
Moore, CM
Peris, N
Rice, J
Simms, RA
Sterle, G
Waters, LJ
Xenophon, N

Bullock, JW
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Madigan, JJ
McEwen, A
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)
Whish-Wilson, PS

NOES

Back, CJ
Birmingham, SJ
Canavan, MJ

Bernardi, C
Bushby, DC (teller)
Colbeck, R
Question agreed to.

** Defence Housing Australia  
**Order for the Production of Documents**

**Senator LAMBIE** (Tasmania) (16:47): I move:

That there be laid on the table by the Minister for Defence (Senator Payne), no later than 3.30 pm on Monday, 22 February 2016, a copy of the Lazard Scoping Study completed on the future ownership and operations for Defence Housing Australia.

Notice of motion altered on 28 January 2016 pursuant to standing order 77.

**Senator RYAN** (Victoria—Assistant Cabinet Secretary) (16:47): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

**Senator RYAN:** The scoping study referred to in this motion is a confidential document not intended for release. In line with the approach of all previous governments, scoping studies of this nature are not publicly released because they are for consideration of cabinet and contain significant commercially sensitive information, the release of which could damage the Commonwealth's commercial interests.

The PRESIDENT: The question is that notice of motion No. 997 moved by Senator Lambie be agreed to.

The Senate divided. [16:49]

(The President—Senator Parry)

Ayes .................35
Noes ..................27
Majority .............8
AYES

Bilyk, CL
Cameron, DN
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Leyonhjelm, DE
Ludlam, S
Madigan, JJ
McEwen, A
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)
Waters, LJ
Xenophon, N

Bullock, JW
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Lines, S
Ludwig, JW
Marshall, GM
McKim, NJ
Moore, CM
Peris, N
Rice, J
Simms, RA
Sterle, G
Wang, Z
Whish-Wilson, PS

NOES

Back, CJ
Birmingham, SJ
Canavan, MJ
Day, RJ
Fawcett, DJ
Fifield, MP
Johnston, D
Macdonald, ID
Nash, F
Parry, S
Ruston, A
Sculliion, NG
Sinodinos, A
Williams, JR

Bernardi, C
Bushby, DC (teller)
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Lindgren, JM
McGrath, J
O'Sullivan, B
Reynolds, L
Ryan, SM
Seselja, Z
Smith, D

PAIRS

Brown, CL
Carr, KJ
Gallagher, KR
McAllister, J
O'Neill, DM
Polley, H
Wong, P

McKenzie, B
Brandis, GH
Cormann, M
Cash, MC
Ronaldson, M
Payne, MA
Abetz, E

Question agreed to.

MOTIONS

Shipping

Senator DAY (South Australia) (16:51): I, and also on behalf of Senator Leyonhjelm move:
That the Senate calls on the Government to engage the Productivity Commission to review the Australian domestic shipping industry, to report on:

(a) the impediments to productivity in the sector;
(b) any consequential impacts on the productivity of the Australian agricultural, resources or other sectors arising from those impediments; and
(c) whether aspects of the European 'Motorways of the Sea' system could deliver productivity benefits to the Australian economy and domestic shipping.

Senator MOORE (Queensland) (16:51): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator MOORE: Labor was not consulted on the words of this motion. While shipping policy necessarily includes productivity issues, it goes well beyond that to issues as strategic industry policy, Australian skills development, environmental protection, national security and the management of reliable risk. Referring shipping to the Productivity Commission is unlikely to further this debate including because the PC has recently looked at Tasmanian shipping and freight. The opposition has indicated it is willing to work with the rest of parliament to make changes to existing shipping laws, where this is consistent with supporting a revitalised coastal and international shipping industry that employs Australians.

Senator LAMBIE (Tasmania) (16:52): I request leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator LAMBIE: I am not sure where Senator Leyonhjelm and Senator Day have been the last three or four months, but we have actually been running forums around this. These guys have stepped up to the plate. They are working it out off their own bats. Doing anything else is just not feasible. We have got a long way into this. There will be legislation presented over the next few months. You have been getting the same information that everybody else has. Those forums run, and I invite you to attend them—feel free.

The PRESIDENT: The question is that motion No. 992 moved by Senator Day be agreed to.

The Senate divided. [16:54]

(The President—Senator Parry)

Ayes .................29
Noes .................33
Majority .............4

AYES

Back, CJ
Birmingham, SJ
Canavan, MJ
Day, RJ
Fawcett, DJ
Fifield, MP
Johnston, D
Lindgren, JM
McGrath, J
O'Sullivan, B
Reynolds, L
Ryan, SM

Bernardi, C
Bushby, DC (teller)
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Leyonhjelm, DE
Macdonald, ID
Nash, F
Parry, S
Ruston, A
Scullion, NG
AYES
Seselja, Z
Smith, D
Williams, JR

Sinodinos, A
Wang, Z

NOES
Bilyk, CL
Cameron, DN
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
Marshall, GM
McKim, NJ
Moore, CM
Peris, N
Rice, J
Simms, RA
Sterle, G
Waters, LJ
Xenophon, N

Bullock, JW
Collins, JMA
Dastyari, S
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Madigan, JJ
McEwen, A
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
Singh, LM
Urquhart, AE (teller)

PAIRS
Abetz, E
Brandis, GH
Cash, MC
Cormann, M
McKenzie, B
Payne, MA
Ronaldson, M

Wong, P
Carr, KJ
McAllister, J
Gallagher, KR
Brown, CL
Polley, H
O’Neill, DM

Question negatived.

NOTICES
Withdrawal

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (16:57): I withdraw motion No. 991.

MATTERS OF PUBLIC IMPORTANCE
Turnbull Government

The ACTING DEPUTY PRESIDENT (Senator Lines) (16:57): A letter has been received from Senator Moore:

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

"Despite the change of Prime Minister, the Turnbull Government has adopted former Prime Minister Abbott’s misplaced priorities and broken promises".
Is the proposal supported?

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

The Acting Deputy 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 Bilyk (Tasmania—Deputy Opposition Whip in the Senate) (16:58): We may have replaced the Prime Minister, but the only difference that can be seen between former Prime Minister Abbott and Prime Minister Turnbull is that Mr Turnbull wears a nicer cut of suit. So many people have made that comment that it has got to be true: that the only difference is that Mr Turnbull wears a nicer cut of suit.

The government removed Mr Abbott because he was unable to sell their misplaced priorities and disastrous broken promises. They did not remove him because they rejected his cruel policies. They still support those same cruel policies. The policies that caused the Australian people to decry Mr Abbott and Mr Hockey are still the same under Mr Turnbull. He is just hoping that nobody will notice. Mr Turnbull is also hoping that no-one will notice that the urbane, small ‘l’ liberal Mr Turnbull of times past has sold out every single principle he has to become Prime Minister—every single one. We are now seeing a huge gap between what the Prime Minister says and what he does.

He was hoping that by breaking promises during the summer holidays, when Australians were enjoying time with their families, no-one would notice. Between Christmas and New Year Mr Turnbull’s Liberals confirmed they will dump the needs-based Gonski reforms and keep his massive school cuts. The new education minister has said that he will not fund years 5 and 6 of the Gonski school education funding reforms. This is an enormous disappointment to parents, to students and to teachers right around Australia. The students who will suffer the most are those in remote schools and in disadvantaged schools and particularly Indigenous children. Before the last federal election Christopher Pyne trumpeted his unity ticket on Gonski claiming, ‘You can vote Liberal or Labor and you will get exactly the same amount of funding for your school.’ Well, that is a clear broken promise—one which they tried to hide during the Christmas break.

This comes after two consecutive Liberal budgets that will strip $30 billion from our classrooms over the next decade. That is an average of over $3 million in school funding lost from every school in Australia. Australians should be outraged by these cuts. It is a farce that Mr Turnbull talks about innovation at the same time he is cutting funding for every school across the nation. The Liberal government’s cuts to our classrooms are the equivalent of sacking one in every seven teachers.

Labor knows that, if you are serious about education policy and equally if you are serious about this country’s future economic growth, then you need to get our education system right and that means real investment in the programs that make a difference to increasing Australia’s educational attainment. Labor’s ‘Your Child. Our Future’ is a fully costed policy guaranteeing long-term education for all Australian children. We have a plan that will improve the literacy and numeracy of every child in every school in every state and territory and we have a plan that will increase year 12 retention, because we know that this is the...
biggest indicator of whether these students will go on to be employed. Labor's 'Your Child. Our Future' plan will see an additional investment in our education system of $4.5 billion over school years 2018 and 2019 and a total provision of $37.3 billion for the package over the decade. Labor has done it through finding sensible, appropriate and fair savings of $70 billion to pay for the most important program of school improvement in a generation.

As well as failing to properly fund schools the government's misplaced priorities have seen them cutting funding to the healthcare system. We saw recently the Australian Medical Association's Public hospital report card 2016 that confirms the crisis being created by the Turnbull government's decision to cut more than $57 billion in public hospital funding. Before the last election Labor had a signed agreement with all states and territories committing to fund 50 per cent growth funding at the national efficient price. The Liberals promised to match it. They have again broken this promise. Most importantly, this agreement included reforms to improve the efficiency of Australia's public hospitals to reduce waiting times and increase capacity. Instead, in one of their first acts in government the Liberals completely walked away from this promise. In doing so the Liberals immediately gave up on any attempt at reform and cut more than $57 billion in the process.

The government has fundamentally attacked bulk-billing of pathology and diagnostic-imaging services through $650 million in cuts for bulk-billing incentive payments. There are 50 million pathology tests done every year. It is extremely alarming that there will be many thousands of Australians who will end up not having vital pathology tests because they will no longer be able to afford them. This is a shameful attack by this government on the health of those who are least well off in our community. It is utterly shameful. This government's attacks on health are just more broken promises.

Labor has a $7 billion plan to close tax loopholes and stop multinationals shifting profits offshore but the Liberals are refusing to adopt it. It is not a priority that they want to pursue. In fact, they have made it even easier for companies and high-wealth individuals to avoid paying their fair share of tax. The tax office has confirmed that more than half of the 2,149 redundancies in the ATO in 2014-15 came from the compliance business line, with the pivotal private groups and high-wealth individuals section losing 270 officials, or nearly 20 per cent of its workforce. It makes absolutely no sense for this government to sack the people responsible for ensuring that appropriate amounts of tax are paid by private groups and high-wealth individuals.

Instead, the government wants to increase the GST to 15 per cent as well as increasing the base of the GST. It wants to slug the least well off in our society with a massive increase in the GST. We could see a massive increase in the cost of fresh food, education, health care, electricity and other vital daily expenses. A 15 per cent GST on everything, including fresh food, health care, aged care and education, will see an average family pay an extra $6,200 in GST per year—$6,200 extra in GST per year. That is a huge attack on household budgets and that is why on that side some of them are talking about compensation, but we all know that that compensation, because of inflation, gets eroded, gets eaten away, so any compensation is only temporary. This is a terrible attack on the budgets of millions of Australian households and it is not what the Australian people want.

The government has also shown that it does not care for our communities through its savage cuts to the DSS grants program. The government savagely cut $270 million from vital
services that support and advocate for vulnerable communities, families and children, including domestic violence services, emergency relief and financial counselling.

And what about the government's utter lack of interest in Australia's cultural heritage? The government's attacks on the arts community have been unfair. They have been unrelenting and they have been totally misguided and inappropriate. The Abbott-Turnbull government's attacks on the arts include more than $100 million of cuts in the 2014 budget, including $37 million from the national cultural institutions and $25 million from Screen Australia, a further $13.2 million cut from the Australia Council, Screen Australia and the Ministry for the Arts in the 2015 budget and, most appallingly, $105 million ripped from the Australia Council to fund the government's ministerial slush fund. In December, the government made an extraordinary cut of $10.4 million from Screen Australia to help fund the government's spending on two films by the American filmmaker Ridley Scott—Alien: Covenant and Thor. This government, the Turnbull government, has decided that it will utterly decimate the Australian film industry to fund foreign films. So, apart from its broken promises, the government continues to show that its priorities are completely and utterly wrong.

As we have seen, the new Prime Minister has just continued the cuts, broken promises and wrong priorities of the previous Prime Minister. Mr Turnbull sold out every belief he had to become Prime Minister and his continued following and implementation of Mr Abbott's policies shows this to be so. He is beholden to the conservatives in his cabinet and on his backbench—those who want to cut health, cut education, cut the arts while allowing multinationals to pay almost no tax and allowing very high income earners to get extremely large superannuation tax concessions. He has done nothing, and will do nothing, to change these terrible policies.

He has been happy to allow the least well-off Australians to suffer, just to fuel his personal ambition. Mr Turnbull is rapidly looking like the Wizard of Oz: just a powerless man in a shiny suit hoping that no-one will notice he is a fraud, arguing against everything he used to believe in. I can assure Mr Turnbull and his senators opposite—(Time expired)

**Senator IAN MACDONALD** (Queensland) (17:08): First of all, I want to thank Senator Moore and Senator Bilyk for raising this matter for debate today because it gives me the opportunity to highlight some of the exciting new policies being brought forward by the coalition government. Can I start with the $1.1 billion National Innovation and Science Agenda, which will help create a modern, dynamic 21st-century economy for Australia. Our innovation agenda will promote a culture of entrepreneurship and place innovation at the heart of everything we do as a nation. We will make it easier for start-ups and new innovative businesses to access early stage capital to grow their businesses by providing a 20 per cent tax offset for investments up to $1 million, as well as capital gains tax exemption. And we will be establishing a $200 million CSIRO Innovation Fund to turn world-leading research into commercial outcomes and to help small CSIRO spin-off companies access capital to grow their business. Our innovation agenda will help transform Australia into a leading innovation nation and position us to seize the next wave of economic prosperity.

This is a debate, and I simply cannot let pass some of the fantasy stories told by the previous speaker in her contribution. She talked about school cuts under the coalition government. As Senator Birmingham pointed out time and time again in question time, there are no school cuts; there is increased funding for schools. What happened was Labor—
without any budgeting, without any money—said, 'We're going to spend X amount on schools.' This was not funded at all. We get into government, find there is no money there and so we have to increase the money that is there to do the things that the coalition government wants to do. So Senator Bilyk is wrong on school cuts: there are no school cuts; there are increases. Similarly with Gonski: there were no forward funding commitments for Gonski. That is being contributed by the coalition government.

Senator Bilyk talked about the tax of multinationals. The Labor Party was in power for six long years and did not a thing about the problem that Senate Bilyk now says is such a major concern for the Australian economy. By contrast, the coalition government has already introduced legislation to deal with that. There has been no talk by anyone on our side of politics about a 15 per cent GST, but day after day after day I hear Labor's spokesmen saying nothing else but '15 per cent GST.' The only one actually proposing this, until two days ago, was the Labor Premier of South Australia. He was the only one, until Mr Baird entered the debate; until then, for the last four months the only one who has been advocating a 15 per cent GST has been a Labor politician, the Labor Premier of South Australia.

Senator Bilyk also talked about arts funding. I am delighted today to hear that, out of the minister's Catalyst fund, the Girringun Aboriginal community—based in Cardwell, between Townsville and Cairns—has received funding through Catalyst to the display of the works of the Girringun Aboriginal Corporation, and the wonderful painters and contributors they have from that community, in exhibitions in Sydney and at the Monaco art festival. This is made possible not by the Australia Council, not by state governments, but by Senator Fifield's Catalyst fund, which allows the government to fund wonderful, very useful and very worthwhile groups like the Girringun Aboriginal Corporation to display their artworks around the world. I understand from Senator Bilyk that she would be opposed to this, so I will make sure the Girringun Aboriginal community are aware of that.

The subject of the debate does have some credence, because there are things that the Turnbull government will not be changing. For example, we will not be changing the coalition's policy of stopping the boats—a policy that Labor could not even comprehend, but we did. The Turnbull government will continue that policy to save lives and to save having children in detention. Furthermore, the Turnbull government will continue the coalition government's campaign to get children out of immigration detention. When we took office, almost 2,000 children were in detention under the Labor-Greens government that ran Australia; now there are fewer than 100. We are going to continue the policies that have allowed that.

We have abolished the carbon tax, and I can assure you that no coalition government ever again in the future will be reintroducing Labor's carbon tax. We will be meeting the climate change targets that the coalition government have set and which I see that the new Chief Scientist has said are well set and will be able to be met by the coalition's policies. And it is wonderful to see that we are doing something about reducing carbon emissions while the rest of the world just talks about it. We are actually doing it, and we will continue doing it.

We are going to continue the coalition's policy of having a referendum on same-sex marriage. What can be wrong with asking the Australian people in a plebiscite to determine this difficult issue? When you are in a democracy, what can be more democratic than asking the Australian people to do it?
Another thing the coalition will not be changing is our determination to build the infrastructure of the 21st century for our country. The money that the Australian government has put in and has leveraged from others into our infrastructure is just legend. Over the Christmas break I had the opportunity of driving to Brisbane along the Bruce Highway, and I am amazed at the amount of work that has been done. I had heard about it. I had seen media releases about all the work along the Bruce Highway, but I actually experienced it. This is work that the coalition has done which Labor could never do, and that policy of building the infrastructure for the next century will continue.

Could I finish on northern Australia? The coalition government have a wonderful policy on northern Australia that we have been considering for the last 10 years, I have to say, and in earnest for the last three or four years. We had a green-paper process on northern Australia. We had a white-paper process. We consulted everyone. We launched the white paper in June last year. I have to say that the wonderful initiatives in that—including the $5 billion loan facility, the CRC, the new infrastructure, new water policies and a new dam policy—are all happening. We are no longer talking about them.

But, by contrast, what are Labor doing? Let me tell you what Labor are doing. Labor have suddenly decided that they have to set up a northern Australia task force to consult with people on what they should do for their policy. They have not got a policy. They have never had a policy on north Australia. And suddenly they are starting, about five years behind the coalition, on looking for a policy for north Australia. With respect to my friend and colleague Senator McLucas, I think she is in charge of that, but unfortunately the Labor Party in their wisdom have got rid of Senator McLucas from their Senate team and replaced her with a bloke from Brisbane, a union delegate—a union hack from Brisbane to replace northern Senator McLucas. And yet she is given the unenviable task of trying to pull together a northern Australia policy before she leaves the Senate in favour of a Brisbane union hack who is taking her place.

As to this discussion by the Australian Labor Party, I am delighted they have brought it forward. It allows me and my colleagues to demonstrate just what wonderful new initiatives are coming forward under the current government and under Prime Minister Turnbull but also to emphasise that the tried and tested policies that the Australian people elected us on will continue for the benefit of all Australians.

Senator SIMMS (South Australia) (17:18): I thank Senator Macdonald for highlighting the fact that, despite the change of leader, the Liberal Party have stuck with the same deeply unpopular and divisive policies, the kinds of toxic policies that are bad for our nation and bad for our planet. They are things like inaction on climate change, things like cruelty towards asylum seekers and things like spending $160 million on a costly and divisive plebiscite on marriage equality, asking a question when we already know the answer. We know Australians support that reform.

It is interesting. When Mr Turnbull became Prime Minister, he talked a lot about new ideas and new innovations: 'There has never been a more exciting time to be an Australian,' and so on and so forth. We have heard these lines repeated ad nauseam over the last four months. But it is clear that Mr Turnbull is all sizzle and no sausage. It is clear that he is all sizzle and no sausage because, when it comes to putting the meat on the bones, when it comes to actually articulating a different policy agenda, all the Liberal Party have under Malcolm Turnbull is
the same stale, Abbott-era policies as Senator Macdonald has highlighted. He is leaving the room, no doubt embarrassed by the reality of that.

In terms of this issue of a plebiscite, Mr Turnbull has made his views on this very clear. He said in a media interview to 3AW just the other day—and these comments were widely reported in the news at the time—that he favours a traditional free vote in the parliament as a way of resolving the issue of marriage equality but that, when Mr Abbott was the Prime Minister, it was determined that the matter would be put to the people through a plebiscite. That is the position that he has adopted, on the basis that it is Mr Abbott's position.

The Australian people may well ask: who is running this show? Who is running this government? Is it Mr Turnbull, or is it Mr Abbott and his conservative supporters on the backbench? Despite the fact that Mr Turnbull has articulated a view in favour of marriage equality, he seems to be completely powerless to rein in his colleagues and to deal with this issue. We saw last week the unedifying spectacle of the Liberal and National parties tying themselves in a knot over this issue, quite frankly making a meal of an entree over the issue of marriage equality, making this issue far more complex than it has to be.

We know from media reports over the last week that the numbers are now here in the parliament. For the first time, we have a majority of members of parliament in both houses who support marriage equality and want to see action on that reform. But there is one thing that is holding back progress on this issue, and that is Mr Turnbull. Because Mr Turnbull is refusing to grant his colleagues a free vote, because he is wedded to the Abbott-era policy of a deeply divisive and costly plebiscite, he is holding back progress on this issue.

The reality is the Australian people do not want a costly and divisive plebiscite on marriage equality. Just today we saw a poll that came out in Nationals-held seats that found that 63 per cent of those polled described the $160 million plebiscite as 'poor' or 'very poor' value for money. Fifty-six per cent of voters supported the parliament resolving the issue on its own. Only 28 per cent of those polled supported a plebiscite. So it seems this idea of a plebiscite on marriage equality is about as popular as its architect, Tony Abbott. It is going down like a lead balloon in the Australian community. It really is time for the Liberal Party to dump this policy. We have seen a change in leader but we are seeing a continuation of the same unpopular policies that led Mr Abbott to be repudiated so strongly by the Australian people.

The reality is that the numbers are mounting. The list of policy failures for this government is growing. It is time for the government to show some leadership and take action on this issue. The issue of marriage equality presents an easy win for Mr Turnbull. Heading into an election year, why doesn't he put it to the parliament and let the parliament decide it? There are two bills—a bill before the Senate and a bill before the House of Representatives. All he needs to do is grant a conscience vote, and we can save $160 million and get this matter done.

**Senator LINES** (Western Australia) (17:23): The legacy of former Prime Minister Mr Abbott will be that he was a Prime Minister who could not be trusted. He was a Prime Minister who broke his promise on almost everything he committed to in the lead-up to the election and after the election. His legacy will be that of the worst Prime Minister in our recent history, a Prime Minister absolutely despised by Australians who voted for him in the end—

**Senator Cameron:** And his own party.
Senator LINES: Yes, and his own party—thank you, Senator Cameron. He could not be trusted on health. Despite his saying there would be no cuts to health, we saw the cuts from day 1. Despite his saying there was a unity ticket on Gonski—tricking the Australian voters to vote for him, believing that a vote for Mr Abbott would mean no change to Labor's commitment on Gonski; we saw those signs, and I certainly saw them in Western Australia—almost immediately upon his winning government we saw that broken promise. Very quickly it was: 'Nah. Sorry. You've voted for us. Now we've got our three years and we're not committing to Gonski.'

We saw cuts to SBS and ABC and we saw those ridiculous interviews with Prime Minister Abbott in which he tried to justify it, saying it wasn't quite a promise. The cuts were there. And then others were trying to break the bad news that it was a promise he should not have made. In fact, Mr Turnbull had to try and deal with that one. We saw the appallingly weak efforts of the Abbott government on climate change—introducing Direct Action. Not only was it a laughing stock in Australia—not supported by any kind of scientist or scientific body you would care to name—but now, after Paris, it is a joke among developed countries in the world. Was it any wonder really that backbenchers and those in marginal electorates got a little bit nervous and last year decided that Mr Abbott needed to go? So along came Mr Turnbull.

A lot is known about Mr Turnbull because he likes to talk about himself. He has been an absolute advocate for a republic. But are we going to see a republic? No, because, according to Mr Turnbull, who was the leading advocate when we had the referendum on becoming a republic, somehow things have changed. He was a leading sceptic on Direct Action and he has made well publicised comments about how useless Direct Action is and how it will not deliver, and yet what we see is that he is going to continue with that policy. It would seem that he is no longer a republican and no longer a supporter of action on climate change.

In his electorate of Wentworth there are a lot of same-sex couples, and he has advocated on their behalf as a supporter of marriage equality. But, no, he has decided—or Mr Abbott and his 44 supporters have decided—that we have to continue with this ridiculous plebiscite. Even members of the government cannot name it properly; we just heard it being called a 'referendum'. Perhaps those speaking notes that were leaked yesterday need to make sure that government backbenchers get the language right. Someone should tell Senator Macdonald that actually we are not having a referendum; we are having a $160 million plebiscite that means nothing.

What we have seen in the new year is Senator Abetz come out and say, 'We don't really care what the Australian voters think, because we're sticking to our guns and we will not vote for marriage equality.' We are a joke. There are many countries that are much more conservative and that have strong religious backing around the world who have moved on marriage equality, and yet we are dragging ourselves along, limping along. The plebiscite will deliver nothing. We do not trust the question; we have not seen it yet; we do not know when it is going to happen. There is still uncertainty.

So, for those couples who want to get married, who want to be like every other couple in Australia, it is those on the other side, it is the Turnbull government, it is Mr Turnbull himself, who are standing in the way of them and marriage equality. The time is long done. For a government that goes on and on and on about money, they are quite happy to throw at
least $160 million at this ridiculous question, even though quite a number of their
backbenchers have said, 'We don't really care what the plebiscite is; we are still sticking to our
guns and not allowing marriage equality.'

Of course we have seen the attacks that former Prime Minister Abbott made on our health
system and they have continued well and truly. In fact Mr Turnbull, who seems to think that
women need supporting, over the Christmas break tried to put through changes to Medicare
that would directly impact women: going after women's health, going after the diagnostic
tools that are required to ensure that women are able to have pap smears so that cervical
cancer is easily detected.

All of those are thanks to Mr Turnbull. They are his very own cuts. He has taken the legacy
of Mr Abbott and moved it forward: Direct Action, poor policy, nothing on marriage equality,
nothing on a referendum—supposedly things Mr Turnbull believes in, all crashed and burned.
And now he is making his own draconian cuts that attack women directly.

I do not know how those opposite can think that it is okay to say to women, 'You will have
to bear an up-front cost for a pap smear.' The thing they did not research—Turnbull
government ministers do not really research very well—is that it says in the Medicare
arrangements that if you are not bulk-billed for pathology and diagnostic services you have to
pay up-front for them. That is a cost of thousands and thousands of dollars that they are
imposing on every single Australian, particularly on women. That is who they have gone
after. Is that any wonder? The Turnbull government seems to ignore women in its own
cabinet and around the country. It might have put a few more women in, but it is a long way
from being equal.

We saw the disgraceful behaviour of Jamie Briggs over the break. Some members of the
Turnbull government tweeted, 'Never mind mate!', ignoring the fact that what he did was
reprehensible and that no-one should have been supporting the disgraceful comments and
actions of Jamie Briggs. Yet they did. A number of them came out in support of him. He has
paid the price for that, as he should have. It is indicative of the Turnbull government, because
women do not feature prominently anywhere on their agenda. Australian women, ordinary
women, will pay dearly under the Turnbull government's cuts to health.

It was Medicare's 32nd birthday last year, but we know that right from day one Liberal and
National governments have opposed Medicare. They think that people should somehow be
paying for their own health, that it is not something that we as Australians should hold near
and dear. Under Mr Fraser they tried to knock it down. They tried and tried and tried, but it is
in place. Generations of Australians have taken Medicare for granted. What Australians have
now learned is that under a coalition government you cannot take Medicare for granted, that
the only governments that protect Medicare, that do not seek to run it into the ground, are
Labor governments. We understand that health should be universal, that you should have
access to health regardless of your income.

These cuts to pathology and diagnostic services will hit those who can least afford it. We
know that we need more investment for pap smears, because women are not presenting for
subsequent tests. Mr Turnbull's government has made it worse by saying to women that they
are going to have to cop out-of-pocket expenses. What would men understand about this?
They never have to have pap smears. They never have to front for the sorts of tests and for the
sorts of health issues that women have. For breast cancer it is not just one X-ray that you
have; it is several. It is three, four, five or six, until we get to the nub of the issue. All of those will have to be paid for up-front because of the savage Turnbull cuts. So women again will bear the brunt of these cuts. We have seen the savage attacks on women, whether it is women in the Public Service or women on parental leave being accused of being double dippers. Now it is women's health that is right there, front and centre.

Guess what? Women in our country vote, and when they go to the ballot box they will remember. They will not support the Turnbull government, which has done nothing but make life much harder for Australian women. It was a disgraceful attack on women over the Christmas break.

**Senator SESELJA** (Australian Capital Territory) (17:34): I am really pleased to be able to contribute to this matter of public importance debate on the Turnbull government. This is a debate about priorities. It is a debate about our government's priorities. Senator Lines spent a lot of time talking about a republic. Fair enough, I am a republican.

**Senator Smith:** Oh!

**Senator SESELJA:** I heard that phrase from my colleague Senator Smith, but I do not see a republic being the top issue for Australians. I do not see it as being the issue about which they are beating down our door. The priorities are somewhat different. Senator Lines just launched into an attack, and there was an attempt in question time: 'Prime Minister Turnbull said this three years ago. He said this five years ago.' I just don't think it is working.

**Opposition senators interjecting**—

**Senator SESELJA:** I don't believe it is. It is a little bit flat. It is little bit like they are going through the motions. They are saying, 'What about this you said about the republic? What about that you said about climate change and direct action?' I don't think the Australian people are interested, frankly. It is gotcha politics. If you go down to the pub and quiz people: 'Did you know that Prime Minister Turnbull said X on the republic five years ago and he said Y today?'; you would find that most people would not care. What they would care about are the priorities of this government and, primarily, about the economy.

I will talk about some of those priorities and some of the things that we have delivered. It is a long list. I am not going to be able to get through it in the five minutes I have to speak, but I will do my best to get through some of the significant achievements and priorities of this government versus the Labor Party's priorities. Let us be clear, what are those? We know from its year of ideas what they are—more taxes. Those were the ideas it came up with. Bill Shorten said, 'I'm going to come up with all these ideas, this year.' What he came up with was that we will do more taxes. That is not a plan. It is not a genuine priority to say that you will tax more. You should be looking to tax less. That is my view and it is the coalition's view. You should be looking to keep taxes as low as possible. Deliver the services that are necessary and deliver them well, but try to keep taxes lower.

We have seen jobs growth in the past year. That is our priority. We have created something like 335,000 jobs since the last election—I think it is beyond that now. We have reduced Labor's budget deficit by tens of billions of dollars through savings we have made. We have seen female workforce participation at record levels. Is that not a great thing? We are seeing women coming into the workforce in record numbers, bankruptcy at the lowest level in 20 years and environmental approvals to projects valued at more than $1 trillion. Think about the
great job opportunities that are there when we have an environment minister who will put on conditions but will not just mindlessly block projects at the behest of the Greens.

There is $50 billion in infrastructure—that is growing our nation and growing jobs. There are tax cuts for small business, which is just sensational. We have seen small businesses around this country getting some of the best conditions we can offer them and the lowest tax rates they have seen since the 1960s—that is a great achievement. And, of course, even as we have sought to get the budget under control, funding for hospitals is up over 25 per cent over four years and funding for schools is up 28 per cent over four years.

We are delivering on the key service areas, we are delivering on tax cuts for small business, we are delivering by signing free trade agreements with our major partners—Korea, Japan and China. Think of the possibilities, the endless possibilities, when we open up more and more trade with our major Asian trading partners. This is a government that is focused on the priorities of Australians. Australians want to see us focused on jobs and through our innovation package on growing jobs in new ways. We accept that, whilst mining will continue to be important for us and resources will continue to be important for us, we always need to be looking to grow new industries.

The service opportunities of even just our free trade agreement with China are phenomenal—that is where so many of our strengths are, of course. I know, here in Canberra, our export industries—our service industries, primarily—are the smarts of individuals and businesses coming up with great ideas that they can now have greater opportunities to deliver to the likes of the Chinese market.

We got rid of the carbon tax and that has saved hundreds of dollars a year on people's electricity and gas bills. They said we would not be able to do it, and we did, at the same time delivering Direct Action—that is, delivering on our targets but without a carbon tax, which the Labor Party would love to bring back.

National security and border security are the kinds of priorities we have that we know the Labor Party did not take seriously. They did not take it seriously because we saw the tens of thousands of boat arrivals, the thousands of illegal arrivals. Yet, when we said we would stop those unlawful arrivals, the Labor Party, the Greens and parts of the media said we could not do it. Well, we did. We said we would do it and we delivered on it and, as a result, not only did we save lives but also we restored order to our immigration process. Unfortunately, we have seen that other countries that do not maintain control of their borders suffer the consequences over time. Australians support an orderly immigration program. They support a strong immigration program, provided it is done according to the rule of law and according to our priorities.

So these are some of the achievements of this government; these are some of the priorities of this government. On the other side there are higher taxes, more wasteful spending and an inability to actually deliver on the promises they want to have the Australian people believe they will deliver on. (Time expired)

**Senator HANSON-YOUNG** (South Australia) (17:41): I rise to add my contribution to this debate, one that goes to the heart of decisions pending for the Prime Minister, Malcom Turnbull. Since taking over the leadership, there has been expectation and anticipation that perhaps we would see a change from the new Prime Minister, a departure from the harsh,
cruel and blunt ways and policies of the previous Prime Minister, Tony Abbott. When it comes to the issue of children in detention, I am very, very interested in watching and listening to precisely what this Prime Minister does in this regard.

Today, as I stand here, there are 90 children in Australia who are anxiously waiting on the results of a High Court decision to be handed down tomorrow. The reason they are waiting anxiously for this decision is that only two weeks ago the immigration minister, Peter Dutton, directly threatened these children. He said that if these children and their families lose the High Court case tomorrow, they will be sent back to the hellhole of Nauru. These are children, many of whom have been transferred to Australia because of the damage that has been done to them in detention on Nauru; women who have been subjected to sexual abuse and assault that we know has occurred inside the Nauru detention centre and on that island—it is well documented by numerous reports, including the government's own Moss review; and children who have been subjected to abuse, intimidation and violence at the Nauru detention camp.

For example, a five-year-old boy, who was sexually assaulted and abused in Nauru, was sent to Australia to get the appropriate medical assistance. That boy's life now hangs in the balance as to whether he will be deported to Nauru, back to the place where he suffered such abuse and such inhumane treatment, or whether the Prime Minister will do the right thing and override his minister's call? Will Malcolm Turnbull stand up to Peter Dutton and ensure that this four-year-old-boy and the other 90 children here in Australia are not sent back to the detention centre and the prison island that is Nauru?

Many people have been watching and waiting for Malcolm Turnbull to show more compassion or empathy on this issue. Many have been waiting for him to stick by what he previously said which was that he did not believe that children belong in immigration detention. Well, this is the big test for Malcolm Turnbull tomorrow. His minister says these families and these children will be on the next plane to Nauru. Will Malcolm Turnbull let him be that cruel or will he step in and save them from that awful fate?

Only 2½ or three weeks ago I visited a family in Melbourne who had been transferred from Nauru to Australia because of the very, very severe impacts on their mental health as a result of their indefinite detention. They had been in detention on Nauru for two years. Their baby was born here in Australia. She is now almost one year old. That family are now going to sleep tonight with the fear that if the High Court case fails they will be sent back to living hell.

I find it extraordinary that we have a Prime Minister who talks about not wanting to see children in detention and talks about a fair and compassionate society. How can he stand there tomorrow and allow these families to be deported? Hundreds and thousands of people across the country today—as they will be tomorrow—are calling for the Prime Minister to do the right thing, and I hope that he does.

**Senator GALLACHER** (South Australia) (17:46): I too rise to make a contribution to this matter of public importance debate. Whilst it is true that we have a new Prime Minister and that Prime Minister Abbott is no longer at the wheel, so to speak, it is important to put on the public record once again that Mr Turnbull sold out on climate change to get the top job, sold out his position on marriage equality to get the top job and has compromised and sold out
his position on a republic to get the top job. That is not a bad trifecta! Things that he has had widely-held and deeply-felt views about have been put aside to take the top job.

It is very important to also put on the public record his public comments about the Abbott government. Prime Minister Turnbull has publicly supported the worst of the Abbott cuts and broken promises. He supported every measure in the Abbott and Hockey unfair budgets, with the comment:

I support unreservedly and wholeheartedly every element in the budget. Every single one.

He supported the GP tax. He said:
I support every element, of course, including the Medicare co-payment.

He supported the $100,000 degrees and cuts to university funding. He said:
I support the reforms to higher education.

He supported cuts to family payments. He said:
I support the changes to family payment reform.

He supported the $80 billion cuts to schools and hospitals. 'Of course, every single member of the government supports every element of the budget'—that was his public statement.

We know that as communications minister the Hon. Malcolm Turnbull delivered a slower, second-rate NBN process and doubled the cost. While we are at it, let's look at the promise of no cuts to the ABC or SBS. As minister he cut $254 million from the ABC and $25 million from SBS. So all of the work that Tony Abbott was castigated for which caused his backbench to revolt and overthrow him is being continued as we speak every day of the current Turnbull government.

We heard Senator Macdonald's contribution. I suppose on the bright side he went from the worst day of his life when Prime Minister Abbott dumped him to, in this last year of the government, probably sniffing an opportunity. If there is a coalition win, will he make a comeback? Will the worst day of his life when he was dumped as a potential minister mysteriously turn into someone recognising his talents and promoting him? His contribution certainly seemed to be in that vein. He was out here auditioning for a role in a future Turnbull government.

I want to go back to question time. If you listened to question time and this debate you probably think there are two parallel universes. In the debate on funding in education we are painting one clear picture and the government is saying something completely different. Senator Birmingham let his guard down a bit when he mentioned that money is not the only way of improving education. He almost came clean and said, 'Yes, now we are cutting,' but he did not quite. But the reality is the government's promises to every South Australian before the last election were very simple and very clear: 'Liberals will match Labor's school funding dollar for dollar.' That was abundantly clear in all of the electoral material that was distributed in South Australia. As I said in question time today, I will seek leave to table the document which underpins the veracity of that line of questioning. I seek leave to table this document.

The ACTING DEPUTY PRESIDENT (Senator Ketter): Is leave granted?

Senator Scullion: No.

Leave not granted.
Senator GALLACHER: It is not surprising that the government would not grant leave for something that hangs them or hoists them on their own petard. They said they would match the funding. The reality is they are chopping and cutting. They are going to be convicted in the court of public opinion in South Australia, because parents know that things are not right in their schools. They know that public schools need more resources, not fewer. If Senator Birmingham is underwhelmed by a public school, he ought to resource it better.

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (17:51): I extend my best wishes to you, Mr Acting Deputy President, on the first day of our parliamentary year and, indeed, I extend them to all of my Senate colleagues. I pity, of course, my Senate colleagues on the opposite side. We saw today just how much of a struggle it is for Labor in 2016 to come to grips with the new modernity and leadership of our national leader in Malcolm Turnbull, the leader of the coalition. They have struggled with the same story and message that they tried to prosecute last year on the first day of this new parliamentary year when we have a fresh, reinvigorated government and a fresh, reinvigorated Prime Minister.

Labor is confused. It is dazed. It cannot find its mojo under the national leadership of Malcolm Turnbull. When Labor talked today about the government's priorities, it was interesting to hear what they did not talk about. They did not talk about the success of the previous Prime Minister and, indeed, the coalition government, in abolishing the carbon tax. They did not talk about the success of the previous Prime Minister and the success of the previous coalition government in abolishing the mining tax. And they could not bring themselves to have a touch of graciousness when it came to the policy that has stopped deaths at sea. They could not bring themselves to even credit the coalition government with having stopped deaths at sea with its stronger borders approach.

I want to touch briefly on the suggestion that this government, as we approach the election this year, in some way or in some form, has the wrong priorities. The government has stopped the carnage on the high seas by halting the flow of boats, meaning that people are no longer drowning when they try to travel to Australia illegally. How can that be a wrong priority?

There are more Australians employed today than ever before. Month after month, Labor come here trying to predict doom and gloom in the unemployment figures, but unemployment is heading down under the coalition. There were over 300,000 jobs created in 2015—the largest number since 2006, easily surpassing anything Labor were able to achieve in office. How can that be a wrong priority?

Indeed, on issues important to my home state of Western Australia, the government has concluded free trade agreements with Japan, South Korea and China—agreements that Labor were good to talk about but bad in bringing to a conclusion when they were in office. They were all talk when it came to free trade agreements; there was no ink on the final agreements. These agreements, as we know, will create significant new export opportunities for Australian producers and might be part of the reason consumer sentiment continues to be on the rise in our country even as it declines elsewhere in the world. How can these be wrong priorities?

We have heard Labor and, indeed, the Greens very predictably try to prosecute arguments about the republic, try to prosecute arguments about same-sex marriage and try to prosecute arguments about climate change. I am tired of having to come to this place and say, "While those are issues of some importance and relevance to ordinary Australians, they are not issues that are "top of mind"." Let me tell you what issues are top of mind for everyday Australians.
They are: keeping our borders strong, generating jobs growth and, importantly, from my home state of Western Australia again, tackling this big, bold dream that we have always had in our country to develop northern Australia.

Let me briefly, in the time that is available, reflect on the government's success in keeping borders strong but also, importantly, in making sure there are no unfortunate deaths at sea. Just last year, in December, the immigration minister reflected on the achievement of the government. Over 1,200 people drowned when Labor were in government. Five years of Labor mismanagement meant that people lost their lives at sea. In the two years since, no-one has died risking their lives to come to Australia. Since commencing the turnback policy, more than 20 boats carrying 650 passengers—people who are paying people smugglers—have been returned to their country. There is no excusing the fact that Operation Sovereign Borders is a tough policy; it is tough on people smugglers. But it is a great virtue because it saves people's lives. There has been nothing from Labor about the important policy priority of protecting our borders. It is worth reflecting on what happened under Labor. Labor opened 17 additional detention centres. The coalition has closed 13. Around 9,000 people who arrived illegally by boat were in detention when Operation Sovereign Borders commenced. We have reduced this to just 900. Most importantly, we have reduced the number of children in detention. More than 8,600 children were detained during Labor's two terms, peaking at nearly 2,000 in July 2013. We have reduced that number to fewer than 100 today. No-one likes children in detention. Senator Hanson-Young is right: 80 is too many. But the clearest dividend of the government's success in regard to Operation Sovereign Borders is the government's generosity in addressing the humanitarian crisis in Syria and Iraq by resettling 12,000 additional refugees here. These places are for the most vulnerable people: persecuted women, children and families with the least prospect of ever returning to their homes. There has been nothing from Labor in regard to the important priorities of protecting our borders, reducing loss of life at sea and, as a dividend, being able to bring 12,000 refugees to our country to give them a better opportunity at a new life.

The government has made it clear: jobs and growth are its mantra; jobs and growth are its priority. It is worth reflecting briefly, in the time that is available to me, just how successful the government has been so far in its first term. The government has a strong record when it comes to jobs with 427,200 jobs created since we came to office. It is worth comparing that with Labor's last year in office. In 2013, employment growth was just 1,900 per month—an annual growth rate of just 0.2 per cent. Over the past year, jobs growth has been more than 10 times that amount with more than 25,100 jobs created per month—an annual growth rate of 2.6 per cent. The government's priorities are right. The government's priorities reflect the priorities of ordinary Australians, and that will be reflected later in the year at the general election.

The DEPUTY PRESIDENT: Order! The time for consideration of the matter of public importance has expired.

DOCUMENTS

Consideration

The DEPUTY PRESIDENT (17:59): We will now proceed to the consideration of documents under the new temporary order. The documents for consideration are listed on today's Order of Business.
I wish to speak on the government response to the report of the Community Affairs References Committee inquiry into grandparents who take primary responsibility for raising their grandchildren.

The response was tabled last month, nearly 15 months after the committee presented its report in this place and only after a motion was moved in this place calling on the government to respond. I have to say that the response by the government is at the very least disappointing. It highlights this government's failure to understand and acknowledge the significant contribution of tens of thousands of grandparents raising grandchildren across this country. It is evident both in the failure to respond in a timely manner and in the content of the belated response.

It is clear that the Turnbull government still do not understand the needs of grandparent carers and their families, and I know that many senators across the chamber would have been disappointed in the response that we have received from the government. It is clear that they did not listen to the evidence that was presented to the Senate committee. That evidence was at times very emotional and also at times quite harrowing. The Senate committee heard many personal accounts of grandparents who were raising their grandchildren and the significant challenges faced by grandparent-headed families. The committee heard evidence from people who were giving everything to provide a safe and loving home and family for their grandchildren when the children's parents are no longer able to look after them.

At the time of the tabling of the Community Affairs References Committee report, I quoted from the evidence from Mrs Sharyne De Young from Grandparents Rearing Grandchildren WA, which I said encapsulated the evidence that the committee heard. I again draw the Senate's attention to Mrs De Young's evidence. She said:

This road grandparents are on is long, hard, tough, bumpy, painful, soul-destroying and exhausting, but much love, determination and courage is given by grandparents to raise healthy and happy grandchildren.

These grandparents play a huge role in the lives of the grandchildren they are raising. The government's response shows little understanding of the role that these grandparents play and the challenging and tragic circumstances that can lead to them taking on this role.

Particularly disappointing was the abdication of responsibility that was shown in the response of the Turnbull government. In relation to a number of recommendations that the committee directed to COAG, the government's response merely acknowledged that the issue was one best dealt with by the Commonwealth, state and territory ministers. There was no commitment to progressing these recommendations. There was no commitment to raising them with their state and territory colleagues. This probably comes as no surprise to grandparents raising grandchildren. This would come as little surprise to them, as they know that only last year the Turnbull government sought to cut payments to grandparent carers.

We on this side forced the Turnbull government to back down from its plan to remove 4,000 grandparent carers from family tax benefit part B, and I have no doubt that these grandparents remember how Mr Turnbull, Mr Morrison and Mr Porter tried to repeatedly
defend their proposed cuts. Mr Porter even went as far as to insult grandparent carers by saying they should go back to work. If Mr Porter had paid any attention to the evidence received by the Senate committee, he would understand how absolutely offensive that is. As the Senate committee heard, those grandparents still of working age are often forced to leave work to take on the caring role. Other grandparents find themselves taking on the caring role for children, often young children, well into their retirement years.

Instead of trying to take money off grandparent carers, it is time the Turnbull government gave them support and the recognition they deserve. In contrast, Labor understands the significant challenges faced by grandparent headed families. That is exactly why Labor stood side by side with grandparent carers in the face of massive cuts. I seek leave to continue my remarks, as I have much more to say regarding this response by the government.

Leave granted; debate adjourned.

AUDITOR-GENERAL'S REPORTS

Report No. 18 of 2015-16

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:07): I move:

That the Senate take note of the document.

This is report No. 57, the Performance Audit Qualifying for the Disability Support Pension, the Department of Social Services and the Department of Human Services. This is a timely report; it comes very close to the time when the government was boasting about the number of people that it has forced off the Disability Support Pension—the number of people who were stopped from coming onto the DSP through the process of tightening the eligibility criteria as well as the number of young people under the age of 35 who were forced off DSP.

What the government does not talk about is what has happened to those people who have been forced off the disability support pension. These are people under the age of 35 who do have a disability. The government has supposedly required the carrying out of this review and then boasted in the media about the number of people who do not get DSP. It does not talk about the real life impact that that has on young people. I have been getting reports in my office about the devastating impact that it is having. It means that if people have not found work—and I will come back to that—they in fact must to try and survive on Newstart with, in some cases, very significant disabilities.

The idea was that the government said, 'Well these people can go and find work.' We do not have any data provided in the government's announcements on whether people have been able to find work. What has happened to these one in seven young people on DSP who have been kicked off? With that in mind, that is how I read this audit report. Interestingly enough, the audit report says that:

The 2013-14 report attributed the fall in DSP growth over the past five years to changes in the DSP assessment process. However, supporting evidence is limited and timing indicates that other factors are more likely to have impacted on the flows of DSP across this period;

For a start, one questions the fact that the government keeps saying that the tightening of the eligibility criteria is forcing people off. What that is doing is perhaps keeping people off DSP who should actually be on DSP. The conclusion that ANAO came to was that
…to date, DSS has not undertaken any formal review or evaluation of the eligibility changes. A focus on the evaluation of the efficiency and effectiveness of the changes would provide assurance of whether the current results are in keeping with the legislation.

More importantly, it should also look at what impact these changes have had on the real lives of people with disability. Instead of the government pursuing their 'let's cut so-called welfare spending', I call income support and social security very necessary and real supports for people who need them, such as people with disability.

The report also goes on to say that 'eligibility decisions could be better documented'. In other words, there has been a lack of documentation about decisions around eligibility, making it hard for those who are questioning the evaluation and hard to those who want to appeal the evaluation. We know that there is a high number of appeals and questioning of assessments for people on different disability support. In fact, a large number of those appeals are leading to the amendment or overturning of those decisions. I look forward to seeing much better documentation. The report says that each year Human Services receives a large number of requests for internal review of rejected DSP claims. I am not surprised, but I do question how people can properly appeal or request a review when the documentation has not occurred.

The most important thing here is that people with disability are seeking support while they find work. The evaluation has to go on to look at how people have gone in trying to find work when there have been dumped onto a lower income and are trying to survive with a disability and find work. Compare them with people who are maintained on DSP and their ability to find work, because we know that poverty is a barrier to employment and we know that Australia has an atrocious record when it comes to the number of people with disability who are trying to live in poverty. So the government, while they are trumpeting kicking these people off, have actually condemned people to poverty.

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Report

Senator STERLE (Western Australia) (18:14): I present the interim report of the Rural and Regional Affairs and Transport References Committee on the use of flag-of-convenience shipping in Australia. I move:

That the time for presentation of the final report of the Rural and Regional Affairs and Transport References Committee on the use of flag-of-convenience shipping be extended to 25 February 2016.

Question agreed to.

Senator STERLE: It was only in late November or early December last year that another piece of legislation went through this chamber. I do not want to talk about other pieces of legislation, but I think it is important to note to remind senators opposite of what they are trying to achieve in killing off an Australian industry. Quite a few months ago, last year, there was a very high profile 7.30 report or Four Corners report on a certain ship that came into Australian waters. To cut a long story short, there were a number of mysterious deaths on that ship, and one person mysteriously went missing. Of course, we have called an inquiry, fully
backed up in this chamber by crossbench senators and the Greens, to have a good look at flag-
of-convenience shipping and what it means for Australia.

It should be of no surprise to the Australian parliament that we have a serious issue not only with the exploitation of foreign workers but for Australian governments, particularly of the persuasion that we have on the other side. Even though they have changed captains from Mr Abbott to Mr Turnbull, they are obsessed with driving Australian jobs offshore—and I do not mean that as a pun. It is probably better to say that they are obsessed with killing off the Australian domestic shipping industry. We must not get confused by all the nonsense that goes out from senators like Senator Day and Senator Leyonhjelm, who want to look at the Productivity Commission and at how we can make shipping cheaper. It is plainly doing away with the Australian jobs and replacing Australian seafarers with foreign ships and foreign crew.

I am the first one to stand up here and say we absolutely have to do our best to make sure foreign workers are not exploited. But, sadly, there is no other reason why we would replace Australian ships and Australian seafarers with foreigners—it is all about driving down wages. I have sat in the Senate inquiry into this matter and listened to the mining industry and the cement industry shedding crocodile tears about 'how broke we are because we have to pay Australian wages'. It is an absolute nonsense! We should not let a certain amount of people off the hook here, apart from the Prime Minister and the minister for transport, who has gone missing in sticking up for Australian jobs, when we have seen the demise of Australian jobs on the MV Portland.

The MV Portland has been a high-profile issue. I am going to hear tomorrow about flag-
of-convenience shipping from former employees of the MV Portland who got marched off their ship at one or two o'clock in the morning by some officials who were doing the bidding of the employer, who wants to use this bullshit about temporary shipping permits—permits that could go for a year. It is not temporary; it is getting rid of Australian seafarers and Australian jobs and replacing them with lower paid foreign workers. It is absolutely disgusting. If it happened to Australian farmers, I expect you would not be able to move in Canberra, because there would be tractors piled up on the road when they came to run over every Liberal politician on their way up here to the parliament. But with seafarers it does not matter!

This is an island nation. We have a proud history—I had better go back a step or two for the purpose of the senators on the Liberal-National side of the chamber. You might not know it, but we do not have bridges to Asia. We actually bring stuff in and take stuff out on ships. We have proudly had a strong shipping industry from day one. Yes, those opposite can sit there and giggle, because, goodness me, some poor big multinationals want to save $6 million to $8 million or something because they can do it cheaper with foreign workers. This is nothing short of a national disgrace. I do not know how those on that side can leave this place and walk back into their states with their chins held high, saying, 'You beauty—we have killed off more Australian jobs. Fantastic!'

When I was sitting here earlier I saw a motion from Senator Leyonhjelm and Senator Day about some nonsense that we do not have enough productivity out of shipping. I could say the same about this parliament—we could do it a lot cheaper here. Why don't we get a heap of Filipinos in? Why don't we bring foreign workers in? They can run the parliament. I know all
those listening out there probably think that is a good idea. But I also raise this question: what is next? Should we get rid of all Australia's truck drivers? Should we get rid of all Australia's retail workers? Should we just flood Australia's hotels and restaurants with foreign worker? Yes, they would do it cheaper. While we are at it, why don't we get rid of all Australia's builders, sparkies, plumbers, roof tilers? Why don't we just get rid of the whole lot? Why should we just pick on shipping? You know I have my tongue stuck that far in my cheek it is nearly popping out. I do not actually find it funny, but I am getting sick to death of that lot over there proudly hanging their hat on Australian jobs going.

The Australian people need to understand that there is no stopping point here. Those opposite will do whatever they have to do. I will go one step further and say: you will do anything on that side to appease your major donors. Prove me wrong. Come out and tell me that is not the case: 'No, we're not getting rid of Australian jobs, because we're not looking after big donors to the Liberal Party.' It is nothing short of a crime. It is criminal.

I throw this challenge out there. We wouldn't cop it if the farmers were being attacked, and nor should we: we should stick up for Australian jobs whether they be on farms or in trucks or on ships or whatever. This makes absolutely no sense to me. I tell you what: I cannot wait to hear tomorrow from those poor buggers who were dragged off their bunks in the middle of the night—it wasn't by the Gestapo, but something pretty similar—because the poor old aluminium mob, Alcoa, want to save a few bob. We could all save a few bob. I will be doing my best to expose the nonsense going on over on that side of the chamber while they all run off and want to talk about wonderful things—about how Australia can be great and fantastic and we can do all sorts of things and we can ship our commodities out of here and we can build things—as long as it is not Australians doing it. Not one of them would have the guts to come and challenge me to a public blue out there. They will hide behind every other thing: 'Oh, we've got to think about profits.' I can tell you now, as an ex-truck driver, as an ex-small business man, as a union organiser: the first thing I have always said is we need the employer to be viable—absolutely no argument. I know a lot of really good employers and I know a lot of good small family businesses who have put everything on the line, their hard work, and they deserve to get a return for their investment. There is no argument. But, as long as I am standing here and my feet are pointing to the ground, I will never ever say: 'At the expense of Australian jobs.' There is no way known that I could defend shipping Australian jobs offshore. It does not matter if it is in manufacturing or whatever it may be. And do you know what? If any member of this parliament thinks it is a great idea to see an Australian job go offshore, they should not even be in this building. They do not deserve to get the pay that we get paid to turn up here to defend Australian values and Australian jobs. In fact, they are charlatans, if that is the case.

They may think it is very clever and very smart. But how would they feel if their kids' jobs went? Would it be a bit different if it were your kids? Would it be a bit different if it were your husband or your wife? I challenge you to that. If you can look me in the eye and say, 'I don't mind being unemployed because I've got to look after some foreign worker', well good; you have shot my argument to pieces. I reckon that not one of them on that side of the chamber, and not one of them on the other side in that green room over there, would like to see their job or their kids' jobs go. But what disgraceful parents they would be if they do want to see their kids' jobs go. Now it may not be popular, but I will always stand up for Australian
jobs, as would all my colleagues on this side of the chamber. And do you know? If that
condemns me, because I am not looking after some multinational who can make a few more
bob in profit—well, then, condemn me.

I cannot express it, Mr Deputy President. I know your history, as I know the history of all
senators on this side of the chamber. We have been called some wonderful things over the
years. We are only union stoolies and all that. I can tell you now: every senator on this side of
the chamber has dirt under their fingernails. Every senator on this side of the chamber knows
and understands when times are tough: where are your friends? Every senator on this side of
the chamber has had the experience that I have had—grown men in your office on a Friday
afternoon crying because they have lost their jobs through no fault of their own.

It sickens me to my gut when the mob over there hide behind 'productivity'. It is not
productivity; it is bulldust! You are looking after your donors. You an absolute disgrace—
the whole lot of you. If every one of you thinks that it is a good idea, get out there and tell
the truth in your electorates. Tell the people out there that what you stand for is doing away with
Australian jobs. It is gutless.

No wonder Australians do not involve themselves in the politics of this country. They
should involve themselves. They should sit back and say: 'What does this actually mean for
my kids and my kids' future?' If you do not have the intestinal fortitude to stand there and
look after your kids' future, I tell you what: you deserve to get your arms ripped off in your
electorates. None of you have the guts to get out there and put the truth of the argument up. It
makes me feel so mad.

On that I had better sit down and have a Bex or something, because I am really winding up.
I hear from those poor buggers dragged off their bunks in the middle of the night so that their
jobs can be replaced by foreign seafarers on vessels that are older than their vessels. Do not
tell me, from a national security point of view, that we know who those foreign seamen are.

(Time expired)
Question agreed to.

Foreign Affairs, Defence and Trade References Committee
Government Response to Report

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water
Resources) (18:21): I present the government’s response to the report of the Foreign Affairs,
Defence and Trade References Committee on its inquiry into reforming Australia's treaty-
making process and seek leave to have the document incorporated in
Hansard.

Leave granted.

The document read as follows—

Australian Government response to the Senate Foreign Affairs, Defence and Trade References
Committee report:
Blind agreement: reforming Australia's treaty-making process February 2016

Senate Foreign Affairs, Defence and Trade References Committee Report

Blind Agreement: reforming Australia's treaty-making process
Tabled 25 June 2015

Government Response to the Committee’s Recommendations
The Government believes that Australia’s existing treaty-making system is working well and is sufficiently flexible to accommodate the different approaches needed for the wide variety of treaties to which Australia becomes a party. The existing system allows for extensive consultations and enables briefing of stakeholders where appropriate.

**Recommendation 1:**
The committee recommends that parliamentarians and their principal advisers be granted access to draft treaty text upon request and under conditions of confidentiality throughout the period of treaty negotiations. The committee recommends that the government provides an access framework and supporting administrative arrangements.

**Response:**
The Government does not accept this recommendation. The Government already considers whether to provide parliamentarians with access to draft text under conditions of confidentiality on a case-by-case basis. There is sufficient flexibility in the current treaty-making system to facilitate such access when the Government decides to do so.

**Recommendation 2:**
The committee recommends that the Joint Standing Committee on Treaties adopt a process of ongoing oversight of trade agreements under negotiation. This process is to include:

- private briefings from the Minister for Trade and Investment and the Department of Foreign Affairs and Trade under conditions of confidentiality at key points during negotiations;
- consultation with stakeholders with confidential access to negotiating texts, to enable JSCOT to form an evidence-base for its oversight work;
- writing to the minister and inviting the minister to respond to its concerns; and
- a summary of its ongoing oversight role, including relevant correspondence with the minister, as an annex to its public report on the agreement.

**Response:**
The Government does not accept this recommendation. The Joint Standing Committee on Treaties (JSCOT) is already mandated by Parliament to provide treaty oversight. The Government considers JSCOT’s current terms of reference to be sufficiently broad for it to perform effectively this oversight role.

**Recommendation 3:**
The committee recommends that the Parliamentary Joint Committee on Human Rights consider the human rights implications of all proposed treaties prior to ratification and report its findings to parliament.

**Response:**
The Government does not accept this recommendation. Human rights implications are already considered at appropriate stages in the treaty-making process. Any domestic implementing legislation is examined for compatibility with human rights by the Parliamentary Joint Committee on Human Rights.

**Recommendation 4:**
The committee recommends that on entering treaty negotiations, Australia seeks agreement from the negotiating partner(s) for the final draft text of the agreement to be tabled in parliament prior to authorisation for signature. In the absence of agreement, the government should table a document outlining why it is in the national interest for Australia to enter negotiations.

**Response:**
The Government does not accept this recommendation. Under the Constitution the power for entering into treaties rests with the Executive. Under Australia's existing treaty-making system the Parliament, through JSCOT, already has the opportunity to review and make recommendations on treaties prior to the Executive taking binding treaty action.

**Recommendation 5:**

The committee recommends that, subject to the agreement of negotiating countries, the Department of Foreign Affairs and Trade publish additional supporting information on treaties under negotiation, such as plain English explanatory documents and draft treaty text.

**Response:**

The Government does not accept this recommendation with respect to draft treaty text. In respect of the provision of other supporting information, this is already done on a case-by-case basis where the Government considers it appropriate.

**Recommendation 6:**

The committee recommends that stakeholders with relevant expertise be given access to draft treaty text under conditions of confidentiality during negotiations. The committee recommends that the government develop access arrangements for stakeholders representing a range of views from industry, civil society, unions, consumer groups, academia and non-government organisations.

**Response:**

The Government does not accept this recommendation. Under the existing treaty-making system extensive consultation is undertaken with relevant stakeholders, as appropriate, on a case-by-case basis.

**Recommendation 7:**

The committee recommends that the government, prior to commencing negotiations for trade agreements, tables in parliament a detailed explanatory statement setting out the priorities, objectives and reasons for entering negotiations. The statement should consider the economic, regional, social, cultural, regulatory and environmental impacts which are expected to arise.

**Response:**

The Government does not accept this recommendation. Under Australia's existing treaty-making system extensive information is already made publicly available both in the lead up to and during the course of trade agreement negotiations, including detailed feasibility studies where appropriate.

**Recommendation 8:**

The committee recommends that a cost-benefit analysis of trade agreements be undertaken by an independent body, such as the Productivity Commission, and tabled in parliament prior to the commencement of negotiations or as soon as is practicable afterwards. The cost-benefit analysis should inform the government's approach to negotiations.

The committee further recommends that:

- treaties negotiated over many years be the subject of a supplementary cost-benefit analysis towards the end of negotiations; and
- statements of priorities and objectives and cost-benefit analyses stand automatically referred to the Joint Standing Committee on Treaties for inquiry and report upon their presentation to parliament.

**Response:**

The Government does not accept this recommendation. Under the existing treaty-making system it has been common practice under successive governments to conduct a feasibility study prior to the commencement of trade negotiations and for this study to be made public.

**Recommendation 9:**
The committee recommends that the government develop a model trade agreement that is to be used as a template for future negotiations. The model agreement should cover controversial topics such as investor-state dispute settlement, intellectual property, copyright, and labour and environmental standards and be developed through extensive public and stakeholder consultation.

Response:
The Government does not accept this recommendation. The Government will continue to approach each negotiation on a case-by-case basis, in order to secure the best possible overall outcomes for Australia.

Recommendation 10:
The committee recommends that National Interest Analyses (NIAs) be prepared by an independent body such as the Productivity Commission and, wherever possible, presented to the government before an agreement is authorised by cabinet for signature. NIAs should be comprehensive and address specifically the foreseeable environmental, health and human rights effects of a treaty.

Response:
The Government does not accept this recommendation. The National Interest Analysis (NIA) is the Government's own explanation to the Parliament, prepared on a whole-of-government basis, as to why it is in Australia's national interest for binding treaty action to be taken.

Government's Response to the Dissenting Report by Coalition Senators
The Government agrees with the Dissenting Report by Coalition Senators.

Government's Response to the Dissenting Report by the Australian Greens
The Government notes the comments on specific recommendations contained in the Dissenting Report by the Australian Greens. The Government does not agree with these comments.

Senator WHISH-WILSON (Tasmania) (18:26): I move:

That the Senate take note of the document.

In two days time, on Thursday 4 February, in New Zealand the Australian government will be joining with 11 other countries to sign the biggest so-called free trade deal that this country has ever entered into. It is called the Trans-Pacific Partnership Agreement. It is a set of rules and regulations that our government—the executive—has signed us up to. Nearly everyone in this Senate chamber, in this parliament and in this country had no say whatsoever in how this agreement was put together or in the negotiations that occurred to deliver the Trans-Pacific Partnership Agreement. The faults and the dangers that are so obviously inherent in that agreement are reflected in our treaty process.

I was very disappointed when I saw the government's response to what I thought were 10 very good recommendations by the Foreign Affairs, Defence and Trade References Committee about how we can reform the treaty process. I will be honest: I stood up in here and said how disappointed I was that it did not go far enough. Nevertheless, they were sensible recommendations.

Three years ago when I started in the Senate I wanted this treaty process reviewed. I have been fighting tooth and nail with my party colleagues to have these so-called trade deals properly scrutinised. The issue is that the executive—in this case, the trade minister, Minister Andrew Robb—is able to negotiate across 29 chapters that cover just about every aspect of our life here in this country. If I understand it, it is now 31 chapters. The minister is able to negotiate a global set of rules and regulations across just about every aspect of our society and economy without coming to parliament to have these issues debated and without any oversight from us—the democratically elected representatives of the Australian people.
If you read the government's response to these 10 sensible recommendations, they say, quite simply, that under our Constitution the executive has the power to negotiate these deals. This is the way treaties were set up 115 years ago in this country, and it was reflected previously in the Westminster system in the UK when, back in those time periods, governments negotiated treaties relating to war. When we look at how complex these deals are now—deals like the Trans-Pacific Partnership Agreement, with thousands of pages of text—the treaty process has not been able to keep up with the complexity and the dangers of these trade deals.

They are undemocratic. The system is set up so that these deals are signed before they are seen by parliament, or any of us. In fact, I would go so far as to say that the deal was signed before nearly anyone even on the other side of the chamber, in the government, saw any details. Possibly the Attorney-General, the Prime Minister and one or two ministers at the most would have seen the details. Our negotiators at Defence and Foreign Affairs and Trade, who have the job of closing these deals, have seen the details, and we know that hundreds of corporate lobbyists in the US have also participated and seen the details of these deals. No NGOs or civil society groups have seen the details in these texts. They have been included in briefings, but they have not seen any details.

We have a situation, as we do with every trade deal that we sign—there have been a couple of them recently: we have had the so-called Japanese free trade deal, the so-called Korean free trade deal and the so-called Chinese free trade deal—where it is given to us lock, stock and barrel. It goes through the JSCOT—Joint Standing Committee on Treaties—process, but we cannot change a thing. There may very well be positive things in these treaties. They are so big and expansive there may be things we agree with, but we have no choice as parliamentarians but to vote for them lock, stock and barrel. We cannot change a thing about them.

The process makes trade deals highly politicised. The government media unit give the information, before we have seen it, to their newspaper drops and other journalists, and the supposed good news is out there before we have had time to analyse it. Opposing these deals is like standing in front of a speeding train. It is almost impossible, even if you have perfectly rational and reasonable reasons to oppose substantial content in these deals. My party have been very clear that we will not give corporations special rights to sue sovereign governments through investor-state dispute settlement mechanisms, not to mention the other undesirable aspects of the TPP that have now become clear.

So in two days time there will be a massive news conference. The Prime Minister and Andrew Robb—and no doubt Senator Sinodinos in this chamber—will be talking about what a great deal we have signed with 11 other countries and how it is going to revolutionise our lives. Actually, I think exactly the opposite. I think these deals have always failed to deliver on what they have promised. In fact, they have made our lives a lot more complicated and a lot more dangerous.

These 10 recommendations in front of us at least allow these deals to be independently assessed. They allow someone like the Productivity Commission to look at technical aspects of these deals, rather than just the experts that the Department of Foreign Affairs and Trade choose to use. They allow parliament to review the deals before they are signed. Parliament should at least be able to review and debate these deals before they are signed. They allow
some limited access for MPs and their advisers at various stages of the deal as it is being conducted, and they talk about creating a model trade treaty process in line with what other countries around the world do.

To stand here and say that we are not going to change the process because it is what we have done for 115 years is ludicrous. This deal, the Trans-Pacific Partnership, is just one example, and there are opportunities in these deals to include content and binding agreements on things we care about, like labour standards, emissions reductions, sustainable fisheries and certification of the ethical conditions that things such as garments are produced under. There is so much more we could do if we had a say in how these deals were conducted and the content inside them. But no: it is the executive and it is special interests, and whoever has the loudest megaphone gets the deal.

In fact, we have even had support from, you may think, the most unlikely areas or stakeholders, such as the business community, asking for a more open and transparent trade treaty process. It is broken, and the name of the report, Blind agreement: reforming Australia's treaty-making process, is a very apt description of what we are dealing with here. We do enter into blind agreements. It is all the politics of the day. It is all about rushing them for a headline. It is all about not bothering to assess whether they have any benefits or what the risks might be.

We live in a democracy. These deals are essentially undemocratic. If the content of these deals were not so incredibly important, you could probably argue that it is a good thing for the government to be able to do these things quickly, but things have changed, and we absolutely need to have a say in these kinds of negotiations. I think it is quite simple. I think both the major parties, Labor and Liberal, do not want to give up that executive power, because when they are in government they want to have the ability to do this. But it is high time we injected some democracy and transparency into our treaty-making process and, most importantly, instilled some public confidence in the deals that we sign and that are on the front pages of the newspapers when it suits the minister, because the Australian public has lost confidence in the Trans-Pacific Partnership agreement, the Chinese free trade agreement and the other deals that are supposedly going to deliver these benefits. This process is broken and it needs reform.

Question agreed to.

Economics References Committee

Report

Senator KETTER (Queensland) (18:36): In respect of the interim report of the Economics References Committee on the implications of financial advice reforms, dated 1 February, 1 move:

That the Senate take note of the report.

The interim report was finalised on 1 February and forwarded to the President. Essentially, the interim report seeks an extension for the final report of the inquiry to 31 August 2016. This inquiry has been extended on a previous occasion since it was first referred to the committee in September 2014. The latest extension proposed allows the committee an additional eight months or so to pursue a number of matters that have arisen over the course of the inquiry.
To date, it has become clear that the provision of inappropriate financial advice, with the resulting impacts on ordinary Australians, has been widespread, with a number of sophisticated mechanisms developed to access the secure assets held by individuals. The sheer breadth and complexity of matters raised by this inquiry have made it necessary to extend the inquiry in order to allow the committee sufficient time to fully investigate a range of different schemes and unacceptable behaviours undertaken by professional financial advisers. As a member of the committee, it is quite heartbreaking on occasions to hear some of the stories of ordinary mums and dads who have been affected by the unethical practices they have been subjected to. A number of key witnesses have come forward, which is leading the committee to hold additional hearings and to extend its investigations.

To date, the committee has inquired into several discrete but related matters, including the provision of financial advice, of course; the marketing of land banking schemes; and whistleblowing. Prior to tabling its final report, the committee intends to table an interim report specifically addressing land banking schemes. Further interim reports may also be tabled on other matters, depending on the course of the inquiry process.

I wish to thank the committee members and the committee secretariat for their very hard work to date and also to thank the many individuals from the public who continue to assist with this inquiry. I commend the interim report to the Senate.

Question agreed to.

Community Affairs References Committee

Government Response to Report

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:39): With regard to the government response to the Community Affairs References Committee report, Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services, December 2015, I move:

That the Senate take note of the document.

If the chamber remembers back somewhat, to 2014, the government changed the way they were going to be contracting putting out services and contracting community services in the community sector and the not-for-profit sector, causing—I think it is fair to say—mayhem and chaos in those sectors. They threw everything up at once, at the same time as cutting $240 million worth of funding originally and then cutting an additional $30 million through MYEFO. During that process they dropped whole sections of support that had already been opened up for tender. The community sector were not consulted and they did not have enough time to get their grant applications in. Because of the chaos that was caused, this was referred to the Senate committee.

Some of the issues that were raised through that inquiry process were the loss of staff for organisations, as I said; the chaos that it caused; the lack of consultation; and the poor timing, leaving organisations very little time—in fact, no time—to adapt to the changes with organisational change. Smaller organisations were shut out of the process, and there were issues around the application of Commonwealth grant guidelines. Many issues were raised. This was an extremely destructive process. As I said, it was on the back of the cutting of $270 million.
This actually had a real impact on people in the community. It is not just about organisations and the impact on the organisations; it is also about the provision of services to some of the most vulnerable members of our community. That is why we also, during the committee inquiry, focused on regional areas—three in particular: Geraldton, the New South Wales south coast and Western Sydney. We used these as case examples because the other thing the government had not done in its rush to cut this funding and to throw all these services up in the air was to look at the collective impact on a regional area. So the committee actually went and talked to the service providers and the people on the ground in regional areas. We looked at what it means to a community like Geraldton when they cut emergency relief from every provider in town bar one, essentially—it is either taken away or cut substantially—and then to get outside organisations to come into the region to try to pick up the pieces. That was the first time they had been spoken to about this issue, which was also deeply concerning.

In the government's response, the government have agreed to a couple of our recommendations, which is pleasing, but they have not agreed to a number, which is deeply concerning. One of our recommendations, which was that the future grants processes need to be based on clear analysis of need, has been accepted. I look forward to seeing how the government will implement this agreement. I hope that the future government tendering processes will be based on such an appropriate analysis and not the same haphazard restructuring process that the government claimed was based on analysis. Given the deep disquiet and the failure to fund critical services in the community, none of us actually accepted that it was based on a deep analysis. The fact that the government then turned around and had to carry out a gap analysis to actually start putting more funding back in to cover the services and to fund the services that they had cut clearly shows that the analysis was deeply flawed.

It is also interesting to note that not only were services funded through a process of gap analysis—and I actually want to come back to that gap analysis in a second, because that relates to one of the recommendations—but the fact is that senators were lobbying and MPs were lobbying to make sure that emergency relief funding got to organisations where, for no good reason, funding was cut. It also showed a totally unrealistic understanding by the government of the geographic spread—for example, cutting funding in Margaret River and expecting service providers from Bunbury to cover that—in larger regional areas.

In fact, we did two reports: we did an interim report and then the final report. The interim report focused particularly on the Commonwealth Grants Rules and Guidelines and whether they actually had been applied or not. The government kept saying, 'Oh, we did this because of the Commonwealth grants guidelines.' In fact, what the inquiry found was that they did not stick to them; in fact, they were using the guidelines as an excuse—for example, not to consult with the organisations that may be tendering in the future. The guidelines clearly show that that is in fact a nonsense; you can consult. They do not preclude the government from consulting.

So we recommended that the Auditor-General carries out an audit of the application of that process. The government say that they will provide the fullest capability, should the Auditor-General decide to include this in the work program. But with the other processes we have also...
recommended that the Auditor-General updates the Commonwealth grants guidelines, to look at the requirement for consultation periods and documentation of those consultation periods.

One of the things I am deeply disappointed that the government has not agreed to is that we recommended the Department of Social Services publish its recent analysis of service delivery gaps, to promote transparency and to encourage informed decision making in a strategy that ensures that vulnerable people are properly supported right across Australia, with no gaps. They carried out this gap analysis and then did not make that available. In fact, they are not agreeing to make that available. That is deeply disappointing. It is pleasing that they may do other gap analyses and make those available, but not to make this one available—this is the critical one. This is the one where they made haphazard decisions, where the community was not consulted and where we lost essential services. This continues to play out on the ground as we speak—as we meet here. Services that were funded are no longer funded and people are not getting that support. That is extremely disappointing, that the analysis has not been made available and that the government has not agreed to make it available.

Some of the recommendations they have agreed to 'in principle'. I am concerned that the fact that it is 'in principle' means that we will not actually see significant action. For example, on recommendation 4, where we recommended that the department ensure that if an organisation is not awarded a grant that any subcontract or consortium arrangement offered for the same service must be on comparable terms to those which have been offered in a funding agreement. The government say that they agree in principle but that this is a matter for the lead consortium member. They say that as per the terms and conditions of the Department of Social Services comprehensive credit agreement, any subcontracting arrangements established must be consistent with the obligations binding on the lead consortium member.

The obligations binding on that member are very different to the fact that what happened in some instances was that funding was taken from a particular organisation and was given to another organisation, which could not provide the service and then re-subcontracted to the original organisation for a lower price and for lower funding and expected them to do the admin as well. The government knows very well that that is exactly what we were talking about in this recommendation. And so while they agree in principle, if you read the fine print, in fact they do not. They are putting it back onto the lead consortium member when, in fact, they actually need to ensure that this does not happen—that money does not get taken from one organisation, given to another and then that organisation is subcontracted for more funding.

The particular instance that I have very close in my mind is when funding was taken from an Aboriginal service that was providing the service and given to another organisation, and then they were re-funded back. That is not good enough. Those are the sorts of things that the government needs to address.

We will continue to follow up this issue, the implementation of these recommendations and the issues overall of community service provision and funding to our vulnerable community members.

I seek leave to continue my remarks.

Leave granted.
Community Affairs References Committee
Government Response to Report

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (18:50): by leave—I move:

That the Senate take note of the document.

This document is the government's response to the Community Affairs References Committee inquiry into grandparents who take primary responsibility for raising their grandchildren. I seek leave to continue my remarks.

Leave granted.

Education and Employment References Committee
Report

Senator McKENZIE (Victoria) (18:51): by leave—I move:

That the Senate take note of the report.

As deputy chair of the Education and Employment References Committee inquiry into Access to real learning: the impact of policy, funding and culture on students with disability, I will say that it was an inquiry that the committee undertook with diligence. We travelled right around the country; we heard from parents, we heard from students and we heard from educators themselves. We heard from unions and we heard—I think, most compellingly—from those students themselves who have a disability. They came before the committee and told us of their experience—their very real, lived experience—of the education systems right across jurisdictions in our country. I am disappointed to say that it is not great out there. It is not great out there: there are very mixed experiences for our students and their parents are doing it tough.

Some parents are shifting neighbourhoods so that their child can access a quality education system. We heard that time and time again. We heard of principals who were not enforcing the disability standards in their schools. We heard of mixed responses. But we did hear of some fantastic examples of schools, of principals, of teachers and of parents creating a really positive environment for students with a disability in their area. That was good to hear, but there is much work to do in this area. The sad evidence presented at hearings brought home that students with disabilities and their families are faced with ongoing challenges that, if unchecked by substantive action, will contribute not only to learning deficits and financial hardships but also to poor future employment prospects.

There are matters of inclusion right across the board. Families need to be made aware of their rights to access education for their children with disabilities, particularly when various state and territory jurisdictions around Australia ignore the disability standards and have less-than-inclusive attitudes and practices in their schools. We heard time and time again that it was absolutely the fabulous teachers and inclusive leadership from the school principals and community members that led to really positive outcomes in classrooms. Too often the evidence that we heard was that students with a disability were being cared for, not educated, by the schools. Whether or not your child has a disability, there should be an educative process that they can go through in our schools—in our mainstream schools predominantly. The number of stories of parents being turned away from schools with their students with...
disabilities being told to go to special schools when the parents and, in many cases, the students absolutely wanted that inclusive, mainstream educative experience was very sad.

I think it is important to note for the record that, contrary to what recommendations 1 and 2 in the report suggest, the Commonwealth government has already committed to needs based support for students with a disability and to record funding. We heard concerning evidence that the needs of students with a disability need to be addressed with care and compassion, not political rhetoric, so it was very disappointing that we had to provide additional comments to the report simply to state the facts in this area. Nobody could actually argue with the evidence before the committee. No senator who actually heard the evidence would want to walk away from our responsibility as a Commonwealth government. But let's be very clear: the responsibility for education lies primarily with state governments, and it is their role to ensure that all children with a disability in their jurisdiction, irrespective of whether they are attending a state school, Catholic school or other type of independent school, have access to an educative process and actually get a great education, which is their right in this country.

The report also pointed out that funding for students has often been uncertain and that families could not plan ahead properly. Certainty of funding is highly important to enable long-term improvements in schools and overcome barriers such as trouble enrolling or, as we heard, the practices of gatekeeping, lack of reasonable adjustments and exclusion from activities. A lack of support in rural and remote areas compounded the problems for those students and their families. Never before have students with a disability received so much funding. This report confirms how important this increase is when, unfortunately, our students with disabilities are being left behind and their potential is still not being realised in the midst of negative educational experiences.

Coalition senators, through the writing of our additional comments, would also like to put on the record for that for the 2014-17 period the Commonwealth is contributing more than $5 billion, with funding rising by $100 million this year alone. The students with a disability loading was introduced by this government and is exactly the same loading formula as applied by the previous Labor government in accordance with the Gillard inspired Australian Education Act 2013. I think it is very important to put that on the record. I would also like to remind the Senate that the Commonwealth, whilst the provider of one-third of the current funding for schools, is not the primary funder of schools in Australia. As I have said previously, that responsibility lies wholly and solely with state ministers of education.

We heard through this inquiry that some states were definitely better than others in fulfilling their responsibilities to students with disabilities in their jurisdictions: including and supporting students and aiding teachers in tailoring their teaching. Unfortunately, others blatantly disregarded disability standards and there seemed to be a lack of understanding in certain areas of those responsibilities. Those governments must urgently address these deficiencies in their own education systems lest claims of discrimination be faced.

From 2016 Commonwealth funding will be informed by the nationally consistent collection of data on school students with disability—a first. Australia has never had such a database to work from, and it will be a highly valuable tool to monitor a cohort of young people whose educational needs have previously been neglected by many institutions. A far more generous landscape now exists after the increase in education support for students with a disability. While not all the educational benefits will be visible immediately, the day in, day
out, grassroots support of their education will form the building blocks of the potential that we want our students with a disability to unlock.

I absolutely support the efforts of parents of children with disabilities. Their passion and advocacy for their students was unfailing. It did not matter which state we were in; there were parents and, indeed, students with a disability being very loud in their advocacy for the children's right to a quality education.

One of the issues that I found most concerning was that many young teachers who are training are not given any training in the pedagogical principles underlying how to actually educate a child with, maybe, autism or hearing problems. There was no training available in any consistent or coherent way across universities that are preparing oftentimes young people to enter classrooms where there are upwards of 20 per cent of students with special needs. I think that is appalling. I think it is absolutely fantastic that our report highlights that as an issue. I hope deans of education across this country will actually take into account the evidence provided through this report in their responsibility to ensure that the teachers of tomorrow are able to address the education needs of students with a disability in our country.

Australia expects that all Australian children receive similar opportunities for a quality education regardless of location, disability or socioeconomic background. Education is power, education is enlightenment and, as Sam Seaborn said, 'It is the silver bullet.' I absolutely believe that it breaks down barriers for our students with disabilities. It will give them the tools not only to enjoy life but also to essentially be able to participate fully in all that our great nation can provide including work and allow them to contribute in a wider way to society.

I commend the government for its ground-breaking work for students with a disability. I commend the report and the recommendations that are made in the report. I hope that the teachers that support our students with disabilities and their parents will be recognised for their advocacy and that we will be able to support them with a needs based funding model that will adequately reflect the cost of delivering quality education to them.

Senator LINES (Western Australia) (19:01): I too rise to speak on the Education and Employment References Committee inquiry into Access to real learning: the impact of policy, funding and culture on students with disability. Surprisingly I agree with most of what Senator McKenzie said about the evidence we heard when we inquired into the education of children with special needs in our schools. I certainly agree that we heard shocking evidence. Personally I was very shocked to hear of the struggle that parents have getting their children enrolled in schools, not just once but year in year out. Parents have to fight the system, fight the gatekeepers—as Senator McKenzie described them—in order to get their children the education that they are absolutely entitled to as children living in Australia, where not only is it a legal requirement for children to go to school but obviously we want our children in schools so they are able to learn. As Senator McKenzie said, it did not matter which state we were in, we heard the same evidence. It did not matter whether it was the public or the private system; there was no difference in the fight and the struggle that parents had to enrol their children. Parents told us in evidence that they had taken the matter up with the Equal Opportunity Commission, had taken the matter up with their local state ministers and had taken the matter up with their members of parliament simply to get their child enrolled in school.
Most of us, and certainly I, subscribe to the view that school is compulsory in every state and territory for children between the ages of five and 17. Well certainly if your child has a disability, it is not. The doors are locked and you have to fight to get them in. Of course not all parents are in the position to put that fight up. We heard that you had to fight in kindergarten, had to fight in year 1, had the same fight in year 2 and so on every single year and then you had a completely different fight once again when it was time for your child to go to high school.

If they were successful in getting their child into school, whether it was the public system of the private system, we heard evidence that parents were paying the school so that their child could get access to education, whether it was for a particular piece of equipment or for a staff member. Parents are not only having to fight the system but are having to contribute themselves as well. Of course not every parent is in the position to do that and of course it did not guarantee that anybody's child was better off.

We also heard, appallingly, where children needed perhaps an iPad or some other special aid to help with their learning that often schools deny them. They were told it slowed the class down or that it was not appropriate or that it was not allowed. These were really eye-opening allegations that parents were making. We also heard, as Senator McKenzie said, of children spending four hours a day on a bus because the parents had been unable to enrol their children in their local school and had been forced to take them elsewhere, which required them to be on a two-hour journey one way and a two-hour journey back. When I asked if the states regulated this, if there are limits to the amount of time children can spend on a school bus, I was told that it was true but it seemed that people turned a blind eye if there child had a special need—absolutely disgraceful. So of course that meant that the child was not able to use the bathroom and the child was not able to eat food during those hours. All of the things which most of us take for granted when our children attend school were denied to children with a disability.

The other alarming factor was that children with a disability are often not treated as learners, which is a fundamental tenant of education. We send our children to school to get an education, to engage in the system as learners. But often when they went to school, the teachers and the school staff had a very uninformed point of view about what that child could achieve, never ever saying that they want this child to be an exceptional learner. They never have those high expectations they have for children without a disability for children with disability. The first step in our report acknowledges that children are learners no matter what their disability and that some of those children need additional assistance.

We did hear from children. We were very particular that we wanted to hear in our inquiry from children with disability, and they told us time and time again of the struggles. Bullying of children with special needs happens right across our system. There are some fundamental issues which must be addressed as a matter of priority by the Turnbull government.

Unfortunately that is about the end of where Senator McKenzie and I agree because, fundamentally, the way the Turnbull government is funding children with disability is making the struggle much harder. In fact we heard from no witnesses who supported the current funding regime. It is not Labor's funding regime—that is an error. This is a regime imposed by the Abbott and Turnbull government so we now have children with special needs being funded in accordance with CPI.
The Catholic Education Office told us that if this funding continued that their schools catering for children with special needs would close, that they could not afford to keep the doors open.

And we heard time and time again from advocates and from associations—from any range of witnesses—who told us that the current funding was not enough. These were not parents. What the parents want is the same thing that every parent wants, and that is a decent education for their children. They were not asking for the world. They were not being unrealistic. But parents told us very clearly that the current funding model is a broken promise. We heard from educational experts that, if years 4 and 5 of Gonski had continued to be funded, it would have enormously assisted those with disability, but of course we know that that was a broken promise. We know that the 'unity ticket' was completely abandoned. That has a much more severe outcome for children with disability.

Our first recommendation is that the Turnbull government restore the Gonski funding that they have taken from the final two years, and of course we want to see that students with disabilities are funded on the basis of need. They are not funded on the basis of need now. They are funded in accordance with the cost of living, with a CPI figure—a long, long way from funding according to need. And we do want to see the data collection continue. It was interesting to hear Senator McKenzie say that it is going to happen in 2016. Well, the 2016 school year started yesterday and last week, and that funding has not changed. Children with disability in our school system cannot wait any longer. They are being discriminated against because the funding is not there.

Of course, yes, we need to improve our teacher training, of course we need ongoing inserviceing and of course we need schools to be inclusive. We need that culture change, but that will not happen when gatekeepers put up the gate the minute a parent comes to enrol their child with a special need. Fundamentally it is about cost. It was made absolutely stark throughout the inquiry that, no matter where a parent went to enrol their child who had special needs, the first thing they were confronted with was cost. I am sure that there would be very few parents in Australia who, when they take their child to be enrolled, are confronted with the cost. Senator Dastyari told us earlier today that he had enrolled his daughter in school for the first time. I bet the school did not say to Senator Dastyari, 'My goodness; it's going to cost X amount of dollars to educate Hannah.' But, for children with special needs, that is the first thing that parents hear about: the cost. So we do need to get the funding right and we need the Turnbull government to live up to its commitments, to abandon its CPI funding, which is harming children with disabilities in our school system, to get real and to fund on the basis of need. The data is there. The Turnbull government has refused to release it. Let us get going and get that funding model right so that children with disabilities are treated with respect.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Question agreed to.
DELEGATION REPORTS
Parliamentary Delegation to the 61st Annual Session of the NATO Parliamentary Assembly, Stavanger

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (19:11): by leave—On behalf of Senator Conroy, I present the report of the Australian Parliamentary Delegation to the 61st Annual Session of the NATO Parliamentary Assembly, Stavanger, which took place from 10 October to 12 October 2015.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (19:11): The President has received a letter requesting changes to the membership of a committee.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:12): by leave—I move:

That Senator Gallacher replace Senator Collins on the Legal and Constitutional Affairs Legislation Committee for the committee’s inquiry into the provisions of the Migration Amendment (Complementary Protection and Other Measures) Bill 2015, and Senator Collins be appointed as a participating member.

Question agreed to.

BILLS
Aged Care Amendment (Red Tape Reduction in Places Management) Bill 2015

First Reading

Bill received from the House of Representatives.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:13): 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 CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:13): 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—

AGED CARE AMENDMENT (RED TAPE REDUCTION IN PLACES MANAGEMENT) BILL 2015

The Aged Care Amendment (Red Tape Reduction in Places Management) Bill is a key component of the Government’s deregulation agenda. It makes the business of delivering aged care easier for service...
providers and removes unnecessary administrative process so that the focus of care delivery can be at the forefront of service provider's attention.

Australia has an ageing population with the life expectancy of older people increasing with advances in technology. With this demographic, comes the need for Governments to support older people with their increasing care needs and make the process of delivering aged care less administratively burdensome than it currently is. This Bill reduces red tape for aged care providers in regards to the management of provisionally allocated residential aged care places and the transfer of residential, home care and flexible care places.

It shifts the focus of the business of aged care back to its roots in care delivery while still enabling the Government to uphold consumer protections around quality of care, as well as appropriate management of financial and prudential risk on behalf of the consumer. This Bill is a positive step forward to reducing red tape for aged care providers.

The two measures in this Bill are part of the election commitment made by this Government to review the administration of aged care places management. They represent the achievement of item 11 of the Red Tape Reduction Action Plan. This plan was co-developed by the Government and the Aged Care Sector Committee, and it was approved by the former Prime Minister in 2014. In the plan, the Government committed to a review of aged care places management including the streamlining of the transfer of residential, home care and flexible care places and to revise the service provider obligations associated with managing provisionally allocated residential aged care places.

The commitment to reduce red tape for the aged care sector in these two areas was initially achieved by streamlining the information required to be provided in managing aged care places with new forms released earlier this year. These revised forms reduced the duplication of information sought by the Department in regulating aged care while still meeting legislative requirements. This initial reduction in red tape was the first step in this deregulation agenda of aged care places management however more can be done to support the aged care sector. This red tape reduction achievement has been built upon and it is the foundation of this Bill.

This Bill contains two distinct measures; the transfer of aged care places measure and the amendments relating to provisionally allocated residential aged care places. Both measures are the necessary next step in aligning business realities with the legislative platform in the Aged Care Act, and contribute to a more efficient and effective administration of aged care places.

The transfer of aged care places occurs where approved providers of residential aged care make a business decision, that they no longer have capacity to deliver care to older people who reside at their service and seek out another aged care business to continue this service delivery. At present, both transferee and transferor are required to submit an application form that is then considered by the Department of Health. In approximately 80% of cases, this application form is routinely approved by the Department. Historically, this requirement to submit a form has ensured that the new provider of the residential aged care commits to meeting their quality of care and other obligations.

The Aged Care Act however has a number of different regulatory tools to ensure that quality of care is delivered to a high standard, including strict accreditation requirements, compliance mechanisms and oversight by the Aged Care Complaints Scheme. The approval of this form, to transfer aged care places, is an unnecessary and administratively burdensome component of the Act that this Bill seeks to rectify.

In proposing a new model for the transfer of aged care places, three key concepts have been central to the new approach; firstly, only seeking additional information from the aged care sector that is necessary to provide an informed risk managed perspective of the proposed transfer, secondly, that where the transfer of aged care places is a business decision between two already approved providers of residential care, that there is limited involvement in that business transaction, and thirdly and most importantly, the government retains capacity to review and where necessary veto the transfer.
arrangement to ensure that a high standard and quality aged care service can be delivered and other consumer protections can be maintained.

The new approach to the transfer of aged care places is to replace the application form with a simplified Notice of Transfer that is signed by the transferring parties. It removes the need for approved providers to seek approval to transfer their places to another provider. They simply notify the Department of the transfer and wait for the transfer to be processed. The Government retains the capacity to review the proposed transfer and where quality of care, prudential, financial or other significant concerns exist, has the right to issue a Notice of Veto to prevent the transfer from proceeding. If additional information is required in reviewing the proposed transfer, a Notice to Resolve can also be issued.

The proposed legislative reforms are a part of a package of changes that will remove 20 out of a total of 93 provisions (in both primary and subordinate legislation) that relate to the material that must be provided to or considered by the Department of Health when approved providers wish to transfer places. A further 17 of the 93 are being merged and/or simplified, and 10 of those 17 provisions will only apply where places are transferring to a new approved provider.

In developing this new approach, important aged care sector input and consultation has occurred with support provided by peak bodies and others consulted. The new approach to the transfer of aged care places was provided to the Aged Care Sector Committee in May this year with a selection of other providers also asked for input and feedback on the model. The response to this measure from the aged care sector was positive and reflective of the business transaction that this component of the Act regulates. This new approach aligns to the fundamental concepts of red tape reduction and meets the objectives of the Red Tape Reduction Action Plan; by ensuring regulation within the aged care sector is fit for purpose.

The second measure within the Bill aligns the period of provisionally allocated residential aged care places with the current business realities of approved providers of residential aged care. In reviewing current practice and assessing the case for a change in the policy setting towards a reduced administrative arrangement, advice from the aged care sector was that the current legislative arrangements did not adequately support providers of aged care.

A provisionally allocated place is a place that an approved provider has not and is not delivering care through. It is a place that an approved provider has been advised will be subsidised by the Australian Government but is not currently operational and has not "taken effect".

Following successful receipt of a provisionally allocated place through the Aged Care Approvals Round, approved providers of residential aged care must then seek planning approval through local governments to construct their new aged care service. Advice from the sector is that sometimes this process alone can take up to two years. The current provisionally allocated period of two years sometimes only permits planning approval to be received before applications for extension commence.

Departmental data indicates that the median time it takes approved providers to operationalise their places is approximately four years, and that 80% are operational within six years. It is reasonable to amend this provision to reflect how this component of the Act is used by providers of aged care. Under the current approach, a rolling cycle of extensions and quarterly reports is required to be undertaken. This is time consuming and includes unnecessary reporting of information that rarely changes.

The new approach to managing provisionally allocated residential aged care places extends the initial period from two years to four years and permits two twelve month extensions before care is required to become operational. After six years, an extension to the provisionally allocated residential aged care place will only be made in exceptional circumstances. If care does not start being delivered, the aged care place will lapse and be re-allocated through the Aged Care Approvals Round to another provider that has capacity to deliver the care.
This model aligns the legislative platform for regulation with the current business realities of approved providers of residential aged care. It also reduces the red tape for the sector by preventing the unnecessary reporting burden on approved providers of residential aged care by 75%.

This new approach is an important change in the way that we consider aged care as it shifts the focus back to care delivery. This Bill indicates the Government's intention that provisionally allocated residential aged care places cannot be held by service providers indefinitely, but rather it provides more definitive timeframes for providers to start delivering care for older people who require it and where this cannot be achieved, allows those places to lapse and be returned for reallocation to a service provider that does have capacity to deliver additional care.

The Aged Care Amendment (Red Tape Reduction in Places Management) Bill demonstrates that the Government is taking the pressure off the aged care sector by aligning the legislative platform with current practice, pursuing the reduction in red tape agenda to reduce unnecessary reporting and shifting the focus back to the business of delivering care for older people. This Bill also implements models that protect the high standard and quality of care provided while enabling business transactions between approved providers of aged care.

Debate adjourned.

Amending Acts 1990 to 1999 Repeal Bill 2015
Statute Law Revision Bill (No. 3) 2015

First Reading

Bills received from the House of Representatives.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:14): I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:14): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

AMENDING ACTS 1990 TO 1999 REPEAL BILL 2015


This Bill continues the Government's efforts to streamline the statute book by removing 877 amending or repealing Acts enacted between 1990 and 1999. This is the fourth in a series of Amending Acts Repeal Bills introduced by the Government. Together, these four Repeal Bills will repeal over 3,500 amending Acts made between 1901 and 1999.

The Bill repeals each Act mentioned in its Schedule. The repeal of these Acts will not alter existing arrangements or make any substantive change to the law. They are no longer required as the amendments and repeals that they provide for have already occurred.
At present, the Acts proposed to be repealed by this Bill are part of current law. Examined out of context, it may not be clear whether they have continuing effect beyond the amendments that they made.

Their repeal will make the statute book easier and more efficient to use.

If an application, saving or transitional provision is included in one of these Acts, any ongoing operation of the provision will be preserved. The Acts do not contain any other substantive provisions with ongoing effect.

People with a specific interest in the text of these spent Acts will still be able to access them on ComLaw, but they will be clearly marked as "Repealed".

[ADDITIONAL TEXT IF REQUIRED: Some Acts being repealed by this Bill amended principal Acts which have already been repealed, such as the Social Security Act 1947 and the Australian Protective Service Act 1987. Others were intended to amend a principal Act which never came into force, such as the Legislative Instruments Act 1995.

Other Acts being repealed by this Bill amended principal Acts that are still in force, in some cases these principal Acts were amended multiple times over the course of the decade. As the amendments have been incorporated into the Principal Act, these amending Acts have no more work to do and their repeal will remove unnecessary and potentially confusing material from the statute book.]

STATUTE LAW REVISION BILL (NO. 3) 2015

The Statute Law Revision Bill (No. 3) 2015 is part of the Government's 2015 Spring Repeal Day package.

The Bill is part of ongoing efforts to repeal spent or redundant legislation and correct minor errors in Commonwealth laws. The Bill improves the clarity and accuracy of the Acts it amends without making substantive changes to the law. These many small changes contribute to reducing the burden of regulatory compliance for individuals, community organisations and businesses.

Schedules 1 and 2 to the Bill correct technical errors and incorrect cross references, remove redundant text and renumber text within principle and amending Acts.

Correcting these legislative provisions helps to make the law easier to understand and use.

Schedule 3 to the Bill amends the Child Support (Registration and Collection) Act 1988, continuing the work of the previous Statute Law Revision Bill. The amendment makes clear that the Crown in right of the Australian Capital Territory and the Northern Territory is bound by the Act in question. It also modernises the drafting of the associated provision about the Crown's liability to be prosecuted for an offence.

This change clarifies the intended operation of Commonwealth legislation.

Schedule 4 to the Bill modernises language used in offence provisions, while Schedule 5 updates indexation provisions to match the current terminology preferences of the Australian Bureau of Statistics.

Schedule 6 of the Bill repeals spent or obsolete provisions. For example, a provision of the Do Not Call Register Act 2006 required a review to be conducted and the resulting report to be tabled in Parliament. The review concluded in May 2010 and the report was tabled in September 2010. The provision is therefore redundant and can be repealed.

These ongoing corrections and improvements to legislation are important to ensure that the Commonwealth statute book remains up to date, accurate and user-friendly.

Debate adjourned.
Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Bill 2015

Omnibus Repeal Day (Spring 2015) Bill 2015

First Reading

Bills received from the House of Representatives.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:15): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (19:15): I table an addendum to the explanatory memorandum relating to the Omnibus Repeal Day (Spring 2015) Bill 2015 and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

CRIMES LEGISLATION AMENDMENT (PROCEEDS OF CRIME AND OTHER MEASURES) BILL 2015

I am pleased to introduce the Crimes Legislation Amendment (Proceeds of Crime and Other Measures) Bill 2015, which contains a range of measures to improve and clarify Commonwealth criminal justice arrangements.

Non-conviction based confiscation scheme

Schedule 1 of the Bill contains amendments to the Proceeds of Crime Act to clarify the operation of that Act's non-conviction based confiscation scheme in light of recent court decisions.

The amendments clarify the principles a court should consider in granting a stay of confiscation proceedings where there are related criminal matters, and outlines the grounds on which a stay is not to be granted.

Whilst a court may still exercise its discretion to stay civil proceedings if it considers that it is in the interests of justice to do so, the amendments make it clear that it is not enough for a person to say that they, or someone else, may face charges or have to give evidence in a related criminal trial at a future date. There must be something more than that—the risk of prejudice must be explained to a court.

This Bill recognises that the right to a fair trial is of paramount importance in the criminal justice system. Hence the amendments clarify the civil court procedures available in Proceeds of Crime Act proceedings to reduce the risk of prejudice to an accused in related concurrent or subsequent criminal proceedings.
The amendments also strengthen protections against disclosure and use of material related to the confiscation proceedings in subsequent criminal proceedings.

Where a person is facing both proceeds of crime and criminal proceedings, the amendments reinforce the safeguards against the risk of prejudice. The amendments clarify that where a court makes an order prohibiting the disclosure of information to an authority, the information cannot be disclosed.

In addition, the Bill introduces a new provision to allow a court to order that proceedings under the Act be heard, in whole or in part, in closed court if necessary to prevent interference with the administration of criminal justice.

These measures enable the court to safeguard against the risk of prejudice to an accused in any related criminal proceedings where the court considers it necessary to do so.

The Bill also clarifies that any application for an exclusion order relating to a restraining order must be heard by a court and finalised prior to the hearing of a forfeiture application.

**False dealing with accounting documents**

Schedule 2 of the Bill amends the Criminal Code to create two new offences of false dealing with accounting documents.

This measure will strengthen Australia's compliance with the OECD Anti-Bribery Convention. Article 8 of the Convention requires parties to create offences of false accounting for the purposes of foreign bribery. In 2012 the OECD Working Group on Bribery recommended that Australia increase the maximum sanctions against legal persons for false accounting under Commonwealth legislation.

The offences will criminalise conduct where a person:

- makes, alters, destroys or conceals an accounting document, or fails to make an accounting document that the person is under a duty to make, and
- either intends or is reckless to the fact that this conduct would facilitate, conceal or disguise the offender or another person receiving or giving a benefit, or another person incurring a loss, where that benefit or loss is not legitimately due.

The offences will apply both within Australia and overseas where constitutional power permits.

**Serious drug offences**

The amendments in Schedule 3 will make amendments to improve the clarity and efficacy of the serious drug offences. The amendments will do three things.

First, they will clarify the meaning of a number of terms in the definition of 'drug analogue' to ensure that it operates more effectively. The drug analogue clause ensures that the serious drug offences apply to substances that are structurally similar to listed controlled and border controlled drugs.

Secondly, they will clarify an ambiguity in the definition of 'drug analogue' about the circumstances in which a substance listed as a controlled drug can be a border controlled drug. Under these changes, a substance may be a drug analogue of a listed controlled drug, even if the substance is already listed as a border controlled drug (and vice versa).

Finally, the amendments in Schedule 3 will clarify that a process is 'manufacturing' where it converts a substance from one form into another. This will ensure that manufacturing processes which change the state or physical form of a substance, but which do not create a new substance, are caught within the various manufacturing offences in Division 305 and other associated offences.

These amendments continue to deliver on the Government's commitment to tackle serious and organised crime, including serious drug offending. The amendments will make sure that the serious drug offences in the Criminal Code operate effectively and without unnecessary technicalities. They build on the recent amendments to the serious drug offences contained in the *Crimes Legislation*
Amendment (Powers, Offences and Other Measures) Act 2015 to improve our law enforcement and prosecution agencies' ability to disrupt the supply of illicit drugs.

Stronger, clearer and more effective legal frameworks to deal with illicit drugs are an important part of reducing Australia's growing addiction to drugs like ice. These drugs are mind-eating, personality-distorting and life-ending and their supply must be stopped.

Anti-money laundering and counter-terrorism financing

Schedule 4 of the Bill will make several amendments to the Anti-Money Laundering and Counter Terrorism Financing Act to remove operational constraints that have been identified by a number of law enforcement agencies.

The existing definition of 'foreign law enforcement agency' in the Act will be amended to specifically include INTERPOL and Europol, and a new regulation-making power will be inserted to enable additional international bodies to be prescribed in future. This amendment will beneficially affect Australia's relations with foreign countries and international organisations by enabling timely and effective cooperation in the investigation of transnational and multi-jurisdictional crime.

Amendments will also be made to the secrecy and access provisions of the AML/CTF Act to clarify that information or documents obtained under section 49 of that Act can be disclosed onward, including for investigative purposes such as applications for warrants. This will support the proper performance of investigative and law enforcement functions by providing greater legislative certainty.

Schedule 4 will also list the Independent Commission Against Corruption of South Australia as a designated agency under the AML/CTF Act. This will enable ICAC SA to access AUSTRAC financial intelligence information, which will enhance its capacity to investigate corruption in public administration and bring it into line with the abilities of similar statutory bodies in all other states.

AusCheck—Information sharing

Schedule 5 of the Bill amends the AusCheck Act to enable AusCheck to directly share information with state and territory authorities and with a broader range of Commonwealth authorities.

Currently, AusCheck Scheme personal information can only be shared with the Commonwealth and relevant Commonwealth authorities with functions relating to law enforcement or national security. This prevents AusCheck from sharing relevant information with other Commonwealth agencies that are not traditionally considered to be law enforcement agencies, but which may require access to the information for law enforcement or national security purposes.

AusCheck is also unable to directly share information with relevant state and territory agencies. These restrictions are at odds with the significant role these agencies play in law enforcement and national security, and the collaborative approach necessary to combat the cross-border threats of terrorism and serious crime. This causes particular challenges for agencies that undertake law enforcement and national security operations at secure airport and maritime port areas, such as state- and territory-led police taskforces targeting drug importation.

Information sharing will continue to be limited to the performance of functions relating to law enforcement or national security, and be subjected to strong safeguards. Safeguards include criminal offences in section 15 of the AusCheck Act for the unlawful disclosure of AusCheck scheme personal information, the use of privacy notices to inform applicants and acquire consent for the collection and disclosure of their personal information, memoranda of understanding with relevant authorities and the AusCheck Guidelines for information sharing.

Conclusion

This Bill will enhance the ability of Commonwealth agencies to investigate and prosecute criminal offences, and seeks to ensure that the Commonwealth can effectively target and confiscate proceeds of crime. It will better address law enforcement issues and national security risks through improved
information sharing, and it will improve the efficiency and effectiveness of various laws relating to criminal justice administration.

OMNIBUS REPEAL DAY (SPRING 2015) BILL 2015

Mr Speaker, today I am introducing the Omnibus Repeal Day (Spring 2015) Bill 2015, the Amending Acts 1990 to 1999 Repeal Bill 2015 and the Statute Law Revision Bill (No. 3) 2015.

These Bills are a part of the Government’s efforts to clean up the Commonwealth’s statute book. Collectively, these three Repeal Day Bills will repeal over 900 Commonwealth Acts, making it easier for users of Commonwealth legislation to find and access regulations.

Mr Speaker, the Omnibus Bill is a whole-of-government initiative to amend or repeal legislation that is not the subject of individual stand-alone bills.

This Omnibus Bill alone will amend or repeal legislation across 14 Commonwealth departments. Much of this legislation is either spent or redundant and has remained on the Commonwealth’s statute book well after fulfilling its purpose.

For example, the Omnibus Bill will repeal the Wool International Act 1993 and the Wool International Privatisation Act 1999 from the Agriculture and Water Resources portfolio. These two Acts are both redundant because WoolStock Australia Limited was wound up and delisted from the Australian Stock Exchange in 2001.

The Omnibus Bill will also abolish the Medical Training Review Panel (MTRP) and simplify approved provider obligations in the area of aged care within the Health portfolio.

In October 2014, members of the Medical Training Review Panel identified an overlap between their functions and those of the National Medical Training Advisory Network. Part of the Advisory Network’s functions is to provide advice on medical workforce planning and medical training plans to inform government, employers and educators. Given this focus, it was agreed that the Advisory Network could pick up the Panel’s annual reporting obligations on medical education and training and the Panel’s role would cease.

We don’t need two bodies to do the same job.

The Omnibus Bill will also simplify legislation in the Health portfolio. For example, the Bill will improve the administration of residential aged care by amending provisions in the Aged Care Act 1997. Provisions within the Act require approved providers to notify the Department of Health of changes in key personnel in their employment within 28 days. In cases where an employee leaves and is replaced by another, this would constitute two notifications to the Department even if neither change materially affected the quality of care. Examples of unnecessary regulations can matter – the Department receives in the order of 10,000 notifications from aged care providers each year.

In spite of these amendments, the Aged Care Act 1997 will still require approved providers to notify the Department of changes in circumstances that materially affects the provider’s suitability to provide care.

Simple but sensible changes provide scope to reduce the unnecessary notification regime without undermining the quality of care. This will reduce compliance costs for businesses and community organisations who are approved aged care providers. The Department of Health has estimated that this will lead to an annual saving of $1.16 million in compliance costs.

The Omnibus Bill will also repeal Part 3 of the Fisheries Administration Act 1991, which establishes the Fishing Industry Policy Council. Why might we do this Mr Speaker? The fact is that the Council has not convened since the legislation was enacted in 1991.

The same consultation and advice functions that the council was supposed to provide have been fulfilled by other working groups and committees. This includes fisheries management advisory
committees and ad hoc representative committees, such as that formed for the reviews of the Commonwealth harvest strategy and bycatch policy.

The Omnibus Bill will also amend various Acts in the Communications and the Arts portfolio to remove duplication.


Consultation is not being affected.

The provisions proposed for repeal involve a variety of inconsistent approaches to the time and method of consultation. In some cases, the consultation periods in question range from 14 to 60 days. Some of the consultation provisions in question require publication on a website; while some require publication in multiple newspapers. There is no policy rationale for this inconsistency and inflexibility.

Not only is this confusing, but the repealed consultation provisions are unnecessary. Section 17 of the Legislative Instruments Act 2003 requires a rule maker to be satisfied that appropriate and reasonably practicable consultation has been undertaken prior to making a legislative instrument.

Mr Speaker, users of Commonwealth legislation should not have to sift through outdated, unnecessary regulations to determine whether they still apply.

The Omnibus Bill will also repeal a number of spent Acts, such as the Statistical Bureau (Tasmania) Act 1924. The Act approved an agreement between the Commonwealth and Tasmania to integrate the statistical office of Tasmania into the Commonwealth, and for the Commonwealth to compile and issue statistics specifically for Tasmania.

Integration of statistical functions is complete and these statistical services compiled by the Commonwealth are now obsolete. The Act has served its purpose and can be repealed.

Similarly, the Papua and New Guinea Loan (International Bank) Act 1970 is redundant. The Act related to a Commonwealth guarantee on a loan made to Papua New Guinea by the International Bank for Reconstruction and Development in 1973. The bank has confirmed that the loan has been repaid in full and hence, the Act can be repealed.

Allowing spent and redundant acts or provisions to remain in force on the Commonwealth's statute book does not serve any purpose. It only makes it harder for businesses, community organisations, families and individuals to find out about the regulations that matter to them.

Mr Speaker, to date and subject to the passage of legislation through Parliament, in total this Government has taken decisions to repeal over 10,000 legislative instruments and around 3,600 Acts of Parliament.

Through the Omnibus Bill, the AAR and the SLR Bills, this Government is continuing to demonstrate its commitment to make steady and consistent progress to reduce red tape.

Proper housekeeping is part of every Government's responsibility to ensure that the rules the Parliament agreed to in the past continue to remain 'fit for purpose'. I call on both Houses to show bipartisan support for the Omnibus Bill and its non-controversial measures. This will clear up the Commonwealth's statute book and remove the redundant and unnecessary legislation that have outlived their purpose.

I thank the Office of Parliamentary Counsel and others for the significant time and effort that went into preparing this important Omnibus Bill.

With this, I commend the Omnibus Repeal Day (Spring 2015) Bill 2015 to the House.
In accordance with standing order 115(3), further consideration of these bills is now adjourned to 3 February 2016.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015
Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015

Returned from the House of Representatives

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

Defence Legislation Amendment (First Principles) Bill 2015
Aviation Transport Security Amendment (Cargo) Bill 2015
Australian Citizenship Amendment (Allegiance to Australia) Bill 2015
Export Control Amendment (Quotas) Bill 2015
Higher Education Support Amendment (VET FEE-HELP Reform) Bill 2015
Labor 2013-14 Budget Savings (Measures No. 2) Bill 2015
Tax Laws Amendment (Combating Multinational Tax Avoidance) Bill 2015
Education Services for Overseas Students Amendment (Streamlining Regulation) Bill 2015
Education Services for Overseas Students (Registration Charges) Amendment (Streamlining Regulation) Bill 2015
Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2015
Veterans' Affairs Legislation Amendment (2015 Budget Measures) Bill 2015
Aboriginal Land Rights (Northern Territory) Amendment Bill 2015
Maritime Legislation Amendment Bill 2015
Tax Laws Amendment (Gifts) Bill 2015

Messages from the Governor-General reported informing the Senate of assent to the bills.

Courts Administration Legislation Amendment Bill 2015

Report of Legislation Committee

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (19:18): Pursuant to order and at the request of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, Senator Ian Macdonald, I present the report of the Senate Legal and Constitutional Affairs Legislation Committee on the Courts Administration Legislation Amendment Bill 2015, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.
COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Report

Senator CANAVAN (Queensland—Nationals Whip in the Senate) (19:18): Pursuant to order and at the request of the Chair of the Senate Legal and Constitutional Affairs Legislation Committee, Senator Ian Macdonald, I present the report of the Senate Legal and Constitutional Affairs Legislation Committee on the provisions of the Criminal Code Amendment (Firearms Trafficking) Bill 2015, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS
Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015
Second Reading

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

Senator REYNOLDS (Western Australia) (19:18): I rise this evening to speak about the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015, which will amend the Safety, Rehabilitation and Compensation Act 1988, to manage the exit of employers from the Comcare scheme. I listened with great interest to the debate earlier this afternoon and I must start by congratulating Senator Ludwig on his verbal gymnastics and his ability to muddle and confuse a very straightforward and clear bill. I would like to commend Senator Xenophon for his rebuttal of Senator Ludwig's points and the very measured approach he has taken to addressing some technical issues with the minister.

If Senator Ludwig thinks this is such a conspiracy, he should talk to no-one further away than his own Senator Gallagher, who was actually the Chief Minister here in the ACT and who was the one who initiated the request for the ACT to exit this scheme. Far from being the big conspiracy that Senator Ludwig has intimated, this is actually a very simple provision. It is simple because what this bill seeks to do—nothing more and nothing less—is to close a loophole. The practical impact of not closing that loophole would be that the ACT could exit the scheme and leave—

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (19:20): Order! It being 7.20 I propose the question:
That the Senate do now adjourn.

India: Republic Day

Small Business

Senator SESELJA (Australian Capital Territory) (19:20): I am really pleased to rise this evening to speak about a couple of events here in the ACT. We all know that 26 January is
Australia Day but it is also Republic Day in India. Whilst it is important that we reflect on that day as Australia Day it is also important that we reflect on this significant day for our Indian residents, many of whom reside here in Canberra.

Though India became a free nation on 15 August 1947, it declared itself a sovereign, democratic and republic state with the adoption of its constitution on 26 January 1950. Its constitution gave the citizens of India the power to choose their own government and paved the way for democracy. We have much in common with our Indian friends. India shares our democratic political system and commitment to freedom. Whilst it is a republic, we also share some of the same British roots. We share interests, values and a great love of cricket. We have significant trade. We enjoy large flows of tourists and students. Australia is increasingly and importantly a net energy provider for the almost 1.3 billion citizens of India.

Importantly, many Indians are part of our national story, having taken up Australian citizenship. Their contribution is evident in the impact the Indian community have made here in the ACT. I want to thank the India-Australia Association of Canberra for inviting me to join them in celebrating their national day. I would like to thank particularly the organisers and members of the executive committee, including Nishi Puri, Hasib Khan, Sandipan Mitra, Kranti Amar, Gurjant Singh, Lakshmi Singh, Nitu Mitra, Prabha Gupta, Sanjeev Sood and Shashi Amar. The president of FINACT, Amardeep Singh, was also in attendance. FINACT does such a great job representing all of the Indian Australian associations here in the ACT. I want to commend them on their continuing involvement in our community and to pass on my best wishes, as I did on the day they celebrated their 67th Republic Day. I would like to also comment on the fact that a former president of FINACT here in the ACT, Jacob Vadakkedathu, was an outstanding candidate for the ACT Liberal Party in the 2012 election. He continues to make a great contribution to our community.

One final thing on this is that, as I said in my speech on the day, while there are many things that unite us as nations, one of the things that I am most impressed about with our Indian community here in Canberra is their wonderful commitment to family, to community and to their culture. That commitment and that contribution to Canberra and to Australia is something certainly worth celebrating and commending.

I also want to note tonight an announcement made by the Commonwealth in recent days. Certainly for the coalition, small business is in our DNA. We are great friends of small business, and in this parliament we have delivered the biggest small business package in the nation's history. Continuing this commitment to our nation's small businesses, I am proud to bring to the Senate's attention that we have recently announced the inaugural Australian Small Business and Family Enterprise Ombudsman. I am particularly proud because the position has been taken up by a Canberran, Kate Carnell.

Kate Carnell will continue her advocacy for small business, an endeavour she has fulfilled as the CEO of the Australian Chamber of Commerce and Industry since 2014. She has extensive experience in small business, having run one for some 15 years prior to serving in the ACT assembly, most notably as Chief Minister. As the Australian Small Business and Family Enterprise Ombudsman she will facilitate the interests of our small businesses both through dispute resolution and through contributing to legislation and regulation pertaining to our small business community. Kate is an excellent advocate for our small business community and I know she will fulfil her mandate in a professional and effective manner, as
she has done throughout her extensive career in both the public and private sectors. She has been a significant contributor to our community here in Canberra; she has been a significant contributor in advocating for business, particularly small business. I once again commend Kate Carnell on her appointment and the government on an excellent appointment.

Swan Electorate: Infrastructure

Senator LINES (Western Australia) (19:25): I want to talk tonight about the electorate of Swan. It is the electorate I live in. I have lived there for many, many years; I know the electorate really well. I can say proudly that the Swan electorate under Labor governments—both federal and state Labor governments—has been well served by investment in roads and public transport in the electorate of Swan. That is because Labor believes that roads and good public transport go hand in hand. It is a shame that neither the Turnbull government nor the local member, Mr Steve Irons, believe in public transport. It seems that a big part of Mr Irons' parliamentary career so far has been advocating for a freeway on-ramp for the city of South Perth. It might seem a trivial thing to bring to the Senate, but if I had been a little more organised I would have sought leave to table a flyer that Mr Irons sent out to the electorate; however, I do not think it is fair to lump it on the government without notice, even though it is by one of its members. The flyer is headed 'Irons takes Prime Minister to Manning Road'. Fancy spending your communications budget on a flyer that heads that up. Whoop-de-do; he took the Prime Minister to Manning Road. Let us see what happened.

The flyer goes on to say that 'since 2009—2009; it is now 2016—apparently 'an on-ramp to the freeway is something Mr Irons has been campaigning about'. All of this came as news to me, and I am a constituent in the electorate of Swan. I did not realise that Mr Irons had been spending a substantial part of his time in the electorate of Swan advocating for an on-ramp to the freeway. It seems a bit extraordinary to me. In 2009 he apparently told Labor that we needed to do more on transport. If you have a look at what Labor have delivered in the seat of Swan, there has been the upgrade to the Great Eastern Highway, there has been the fabulous Gateway project. I am sure Western Australian senators, when they drive to the airport, will notice that fabulous new road system—all Labor's doing; nothing Mr Irons can take credit for. I guess he has been scratching his head, thinking: 'Gee whiz, I'm looking pretty bad on roads. There's nothing I can pin the Liberal badge to in this electorate. I know, I'll bring up my desire to get an on-ramp at Manning Road since 2009.' Anyway the Prime Minister, bless him, went to Manning Road.

So where are we up to with that? Of course the lack of a ramp is frustrating—I get that—but not having decent public transport is even more frustrating, and we have seen that the Abbott and Turnbull governments are not really committed to public transport. Of course, at a time when money is tight—and the WA government is breaking probably as many promises as the Turnbull government—the Main Roads department in Western Australia estimates the cost of the proposed on-ramp to Kwinana Freeway to be somewhere within the vicinity of $10 million to $18 million. No wonder Mr Irons has been advocating unsuccessfully since 2009 for this Kwinana Freeway on-ramp at Manning Road. It is just not going to happen. So imagine my surprise, as I read further into the flyer, that apparently the Prime Minister thought it warranted the government to consider funding it!

So here is Mr Irons, who has put this flyer throughout the electorate of Swan. It is nothing more than gobbledygook, not even about a promise—not even a promise that of course the
Turnbull government would break. It is not even a commitment, nothing solid, but maybe it is worthy of consideration. What a waste of taxpayers’ money! Quite seriously, I am sure that if Mr Irons took the time to treat his electorate of Swan with some respect he would see that there are many things that are needed in Swan that do not start at the top of the list with an on-ramp at Manning Road onto Kwinana Freeway. I would suggest that Mr Irons have a good look at his electorate and start to focus on the issues that really matter.

**Taxation**

Senator LEYONHJELM (New South Wales) (19:30): Our government extracts huge quantities of tax from the rich. It does this for no other reason than that that is where the money is, and it is addicted to huge spending. The imposition of heavy tax burdens on the rich is inherent in our progressive income tax system. It is supported by each of the major parties in Australia, and it is commonplace in the developed world. But this extraordinary taxation of the rich is immoral.

Some will instinctively disagree. They will defend tax attacks on the rich by referring to the so-called ability to pay—‘the ability-to-pay principle’, they will even say—but this is no more than the idea that the government should take what it can get. There is absolutely nothing principled about it. Your next-door neighbour might have the ability to pay for your lunch, but that does not mean it is moral for you to take money from his wallet when you are feeling peckish.

Some will say that taking more money from the rich is justified by the idea that money in the hands of the poor boosts social wellbeing more than in the hands of the rich. But most government spending is directed to welfare, education and health handouts that are not effectively means-tested, as well as to ad hoc interference with industry. When the government does direct money to the poor, it wastes billions on public servants along the way. Taking money from the rich also depresses charitable giving, economic growth and employment, hardly a formula for boosting social wellbeing.

Some people may harbour the idea that tax attacks on the rich are moral because the rich enjoy ill-gotten gains. This is crude and wrong. It would be rare for a rich person's wealth to be a result of corrupt acts by the person or their forebears, and corrupt acts should be prosecuted individually, strenuously and directly rather than used as a justification to tar all rich people with the same brush.

Some may say that it is moral to tax the rich because their money is the result of luck, but by this logic it is okay to take money from someone who just won Lotto. Regardless of the extent to which luck played a part in how much money rich people have, the simple point is this: it is still their money. There is nothing moral about singling out the rich for tax attacks.

The only morally defensible tax principle is the benefit principle. This is the idea that people can be taxed if they benefit from the associated government spending. It means that government services from which we all benefit—like defence, police and the justice system—should be paid for by all. After all, these services do not particularly benefit the rich. Our tax system is clearly not based on the benefit principle. It largely involves taking money from a rich person well in excess of the cost of services the person benefits from, either directly or indirectly, to fund government services that the person will never use. I challenge each politician and commentator to explain how they think this is the moral thing to do.
The Liberal Democrats would replace the existing progressive income tax system with a flat 20 per cent income tax in conjunction with a high tax-free threshold, and we have identified the spending cuts to fund it. This policy would not completely remove discriminatory tax treatment of the rich, but it would be a huge step in the right direction. In contrast, the major parties will adopt immoral policies that maintain high income tax rates and increase tax on superannuation, capital gains and property investment. I will oppose all these immoral tax attacks on the rich, and any fellow Liberal Democrats who join me on these crossbenches after the next election will do the same.

Western Australia: Bushfires

Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (19:34): I rise this evening to acknowledge the losses and ongoing suffering being experienced by many in the south-west of Western Australia in the wake of the devastating bushfires last month that virtually destroyed the township of Yarloop and wrought such havoc on communities across the region, including Waroona, Lake Clifton, Harvey, Herron, Cookernup and surrounding areas. These fires were among the most catastrophic that WA has seen in decades, resulting in the loss of two lives and the loss of 181 properties and of course inflicting trauma and economic damage on the region, the full cost of which can still not be measured. Indeed, the tragedy was further compounded just this weekend, when a Western Power employee who was working to restore power to the region also lost his own life. Given the intensity and severity of the fires, in some respects it is a miracle that the loss of life was not even more severe. Though we can be thankful in that respect, it does not alleviate the ongoing suffering and disruption to daily life that many local residents are continuing to experience.

Just days after the fires, the WA Liberal Party held one of its regularly scheduled state council meetings. A committed and widely respected WA Liberal, Sue Warren, a member of the Canning division, moved the following urgent motion:

That this State Council release a statement expressing its condolences and deep sympathy to all those affected by the recent fires. Furthermore, this State Council commends the State and Federal Governments for the assistance already provided to those affected by the fires and calls upon the State Government to consider what additional assistance may be provided from the Royalties for Regions funds to assist with the restoration of infrastructure such as bridges in the affected areas.

I am pleased to say that this motion was strongly supported.

As Sue noted in moving her motion, the scale of these events and their intensity is beyond comprehension for many of us. It is human nature, in those circumstances, for us to look for someone or something to blame. That is just part of our emotional response mechanism. And, understandably, we did see some frustrated members of the community lashing out and blaming officials for what they perceived as an inadequate response. That is a totally normal and expected response from people who have lost their livelihoods.

Naturally, the WA state government has committed to reviewing the situation, as a responsible government should, and no doubt there will be ways to improve future responses. We can always learn from past experience. However, I think it is very important to place on record our appreciation of the truly heroic efforts of WA firefighters in preventing the situation from spiralling into something far, far worse; included in that are the many volunteer firefighters who travelled to the south-west at the height of the crisis to buttress the efforts of WA’s professional firefighters. Also included are the firefighters, paramedics and firefighting...
helicopters which were generously provided by the New South Wales government to lend further support to the efforts of Western Australian authorities to fight the blaze.

It sounds like a cliche, but it is in these times of trial that we often see the best of humanity. And, just a couple of weeks after the fires, we can see that the response from the WA community, and indeed, from those around Australia, has been touching and reassuring. The Lord Mayor's Distress Relief Fund raised in excess of $4 million, in the immediate aftermath of the fires, to support local communities as they go about the difficult task of rebuilding their homes and their lives. Likewise, the Nine News Bushfire Appeal Concert, which was held at the Harvey Amphitheatre and televised live in Western Australia, raised in excess of $627,000, which will also help to support local communities.

In the few moments remaining to me, I do want to pay particular tribute to two other community leaders who were absolutely tireless in rendering support to these devastated communities, and will continue to do so over the months to come. My colleague Nola Marino, the member for Forrest, herself lives on a farm at Harvey and was right in the path of the blaze. Nola was inspirational during what was a difficult time for her and her family in the way she selflessly put her community first. She was tireless in keeping the Prime Minister up to date with critical developments. I have no doubt that the financial assistance to affected locals which has come from the federal government is in part a direct result of Nola's effective advocacy as a hardworking local federal member.

Likewise, I pay tribute to the efforts of Mr Murray Cowper, the state MP for Murray-Wellington, who was on the ground, day and night, rendering support and practical assistance right through the crisis. His ongoing efforts are a mark of his commitment to being an extremely effective local member.

Tasmania: Bushfires

Senator SINGH (Tasmania) (19:39): I rise tonight to speak of the ravaging fires we have experienced in Tasmania over the past month and their threat to our floral natural heritage and biodiversity in some of my home state's most ancient alpine regions. The fires have burnt out over 72,000 hectares in western Tasmania; 11,000 hectares in our Tasmanian Wilderness World Heritage Area.

These fires have been particularly damaging, leaving destruction of our unique rainforest and alpine vegetation in their wake. The ecological and cultural significance of these areas has irreplaceable value. These fragile plant species which give our World Heritage area its stunning landscape are in such a vulnerable state. The unique climate and soil composition has been altered by these fires—peat soil takes thousands of years to form. The area is dominated by plants that had lasted in Tasmania since the Cretaceous period and that do not regenerate in the same fashion as our eucalypts. These centuries-old forests have stunning King Billy pines and button grass plains that now in some areas lie blackened in the landscape.

The work of the Tasmanian Fire Service has been formidable. They worked tirelessly in extreme conditions to contain the destruction of these fires. Tasmania has a first-class integrated fire management and firefighting operation where comprehensive vegetation mapping enables crews to minimise the impact of fires. But, once these ancient forests are
gone, they are not readily replaced. Some are over 100 years old. As Dr Jamie Kirkpatrick, Professor of Geography and Environmental Studies at the University of Tasmania has stated:

It is easy to rapidly rebuild houses and bridges. It is impossible to rebuild the Huon pine and King Billy pine forests that make Tasmania so special and attract people from all over the world to admire their beauty.

He said:

We need to ensure there are sufficient resources to protect both people and our ancient heritage.

Yet government policies are failing Tasmania by ignoring the leading and overriding threat to these forests—that is, climate change.

Tasmania has had increasingly warmer springs and summers, with December 2015 breaking records; 14 of the world's 15 hottest ever years have occurred since 2000. A long-term drying trend has been aggravated by a reduction in rainfall. Ultimately this has meant our forests have become a tinderbox. The Climate Council's Professor Will Steffen has stated that the influence of climate change has increased the risk of extreme fires in Tasmania. He said: 'We are watching centuries-old ancient forests being destroyed because we failed to act early enough on climate change'.

I do not want my concern for Tasmania's Wilderness World Heritage Area to be a message to visitors not to come out to our beautiful and precious forests. Much of the Wilderness World Heritage Area has luckily not been affected. But the fact that 11,000 hectares has been burnt significantly impacts on lost species that are of extreme value to the area. This is our history and this is our heritage that has gone up in flames.

I note that Senator Whish-Wilson has called—in the media at least—for an independent inquiry into the methods of tackling such fires in an era of climate change. Such an inquiry does have merit. I too think there should be an inquiry to look at how we tackle such fires in this era of climate change.

But, despite all of the work and all of the warnings by scientists about the need to act early on climate change, Minister Hunt has signed Australia up to some of the lowest and weakest emissions-reduction targets in the developed world. He has already aided and abetted attacks on the renewable solar and wind sectors, threatening jobs in the clean energy sector of the future, and he has tried to delist Tasmania's Wilderness World Heritage Area at UNESCO. The 'Environment' Minister could do with an opportunity to actually assert some environmental credibility, and here is that opportunity. Heed the significance of these fires. Our future, our world's future and our heritage is at stake.

United States Presidential Election

Senator DASTYARI (New South Wales) (19:44): I watch the results of the US presidential primary elections and I shudder with fear. Let us not pussyfoot around this, a Donald Trump or a Ted Cruz presidency will undermine many of the fundamental values that Australia and America share. I do not share the values of an extreme, right-wing, isolationist United States, and neither do most Australians. I do not believe in vilifying Muslims, in softening gun laws, in limiting women's rights or in international military adventurism. Frankly, it does not matter whether we are talking about a Donald Trump or a Ted Cruz, the same right-wing extremist ideology is driving the United States conservative debate.
America has strong democratic institutions, and I am well aware that American elections are decisions for American voters—and American voters alone. But if America chooses a path of xenophobia and plutocracy, we should not, indeed we must not, follow them. We must stay true to our own values—tolerance, multiculturalism, inclusion and respect.

I was born in Sari, a small town in northern Iran. My mum and dad brought me to Australia when I was five. They wanted lives of freedom, opportunity and hope. Above all they wanted to give me the chance to grow up in a safe and peaceful country, a nation free of Islamist tyranny. The American ideals that helped shape western values—life, liberty and the pursuit of happiness—are currently under assault from an extreme, right-wing ideology, an ideology that is determined to divide the United States against itself. This ideology is made stronger when the likes of former Prime Minister Tony Abbott and former defence minister Kevin Andrews go abroad to endorse these views.

On the eve of the Second World War, President Roosevelt warned that four freedoms were at stake: the freedom of speech, freedom of worship, freedom from want and freedom from fear. This was a vision shared by all Americans, and all Australians, whatever their political differences.

In Australia we live in a country of prosperity, a country of freedom, neighbouring the world's largest Muslim nation, Indonesia. There is no doubt we have been living through a long period of American global leadership, and we have prospered from it. So when I hear Ted Cruz talk about the ills of immigration I fear for our future. When I hear Donald Trump talk about banning Muslims from entering America I am close to despair. Extremist, populist, right-wing rhetoric may have short-term political appeal, but it is damaging the rest of the world. An America which cannot accept freedom of worship is not the America I know. It is not the America I love. It is not the America we love. It is hardly America at all.

The friendship between our nations is stronger than any individual and should endure any American or Australian leader. But if this is the year that America chooses intolerance and disrespect, hate and fear, we will all be weaker for it. In his farewell address to a grateful nation, Ronald Reagan spoke of a shining city:

... a tall, proud city built on rocks stronger than oceans ... And if there had to be city walls, the walls had doors and the doors were open to anyone with the will and the heart to get here.

That is the America that Australians know and love. It is the America we have looked at without inhibitions of any kind, without pangs of affection or kinship. The America of the four freedoms and the 'shining city on the hill', the America of Roosevelt and Reagan, is being severely tested this election year. When America changes, the world changes. I am an Australian senator born to Iranian immigrants. Look at my face and ask yourself this: would I be welcome in a Ted Cruz or Donald Trump America?

Housing Affordability

Senator McALLISTER (New South Wales) (19:49): I rise to address Australia's rental crisis. 2.7 million Australian households rent. They are the forgotten face of Australia's housing affordability crisis. They are forgotten in our national conversation and, unhappily, they are forgotten by the Turnbull government. This is a government that has shown time and again that it does not care about the young people, families and older Australian who are being squeezed by insecure leases and high rents. This is a government that has abolished
schemes for subsidising affordable rental housing, that has abolished the National Housing Supply Council and that has refused to appoint a housing minister. More and more Australians are finding themselves long-term renters, with high rents and few rights. In the face of their situation, this government’s approach is simply not good enough.

There is a tendency to think of renters as being students or young people and to think of renting as being a temporary condition before settling down and buying a house. If that was ever true, it is not true now. More than 25 per cent of all households rent, in part a response to the very real hurdles of home ownership, and those who rent are doing so for longer. One-third of households who rent have been doing so for more than 10 years. More rental households are families with children than 30 years ago. In 1981 approximately 28.7 per cent of renters were families with children, with 40 per cent being singles. By 2011 those positions had been reversed—40 per cent of renters were families with children and 25 per cent were singles.

Many older Australians approaching retirement are renting rather than owning their own homes. People over 65 make up almost five per cent of private renters. We know that, for these people, housing costs place a great strain on those on fixed incomes.

Wage-earning households are being squeezed as rents climb faster than wages. Wages have risen 41 per cent in the past 10 years; rents have risen nationally by 54 per cent. In Sydney, my home town, rents jumped by 3.9 per cent in the 2015 financial year alone. At the same time, Australian renters face significant insecurity as, in general, our tenancy laws provide them with fewer protections than renters overseas. Leases are often for a year, unlike in Ireland where there is a minimum four-year fixed term. Even in global cities like Paris and New York there are limits on how much landlords can charge and how often they can increase the rent. In most Australian states, landlords can increase rent every six months. In New South Wales, there is no limit to how often rent can be increased during a lease. Renters can be, and often are, evicted when the property is sold, unlike in many European nations.

It is time for a national conversation about this. The combination of high rents and few protections leave Australian renters increasingly vulnerable. For families with children it can mean growing up without any real sense of a home and needing to change schools often and the difficulties that that causes for social integration and educational outcomes. It is challenging for a young family to find suitable accommodation as many rental properties simply are not designed for families with children.

The Senate Economic References Committee has been looking into economic security for women in retirement. That committee has heard firsthand accounts that rental insecurity leaves older Australians stranded and pushes them into care facilities. We have heard testimony that some older Australians are too scared of eviction to ask for shower seats, handrails or ramps to be installed in their rental homes.

Before I arrived in this place, that same committee undertook an inquiry into housing affordability. The committee found that this is not exclusively a supply or a demand problem. It is a problem that manifests itself differently in different locations across Australia, and it is a problem that is enormously challenging. Indeed, if there were a simple solution to this problem, it would have been solved already. What is clear, however, is that this is a problem that this government has absolutely no intention of addressing or solving, and it is my view that it is time for this to change.
Domestic and Family Violence

Senator POLLEY (Tasmania) (19:54): I rise this evening to speak on the plague of domestic violence in Australia, a national disgrace and a black mark on this country.

Last Saturday, I was invited to address a community rally against domestic violence in Launceston. I would like to thank Barbara-Anne O'Bryne for organising the rally and those who attended in wet weather for their efforts and their commitment to keeping the spotlight on domestic violence. Barbara-Anne O'Bryne organised the rally in response to an incredibly heartbreaking and distressing personal experience with domestic violence and I thank her for her work in raising awareness to eliminate domestic violence. I would also like to commend Kirsten Ritchie, a domestic violence survivor, for her passionate and moving speech. In 2015 in Tasmania, over 2½ thousand reports were made by those who had been affected by domestic violence from their loved ones or partners. Too many Australian women and children experience violence every single day. The emotional, physical and social cost is enormous. And we know that there has been an increase in elder abuse as well in this country.

Violence against women and children has reached a shameful epidemic and we should not be judging those who do not have a voice who cannot speak out. What we should be doing is condemning any form of domestic violence in this country. We need to say it is not acceptable We have reached a point where too often the public warning signs that a woman or child is in danger is a report in the newspaper of horrific injuries or death. We have reached a point where too often we have become familiar with the names of women and children we do not even know because of the horrific and tragic way in which they have been treated. As I said, this is totally unacceptable.

I would like to take this opportunity to place on record my thanks to Rosie Batty for her outstanding service as the 2015 Australian of the Year. Rosie is a remarkable and inspiring woman who has given a voice to so many who suffer in silence. Thank you, Rosie, for shining a bright light on the crisis of family violence and for putting it firmly on the national agenda. We must honour Rosie for what she has done, but it has to continue. We have to build on that public awareness and we have a responsibility in this chamber and elsewhere to eliminate family violence, once and for all. Moving forward, we have to say that enough is enough, that this is a national disgrace and that we all have a responsibility to ensure that we do everything we can to ensure that women, children and our elderly are safe in their homes and with their loved ones.

Labor have shown significant leadership on this. Our first costed policy, announced 18 months before the election is due, was about family violence. We have committed that, in government, we will introduce a package of over $70 million in measures to assist people in family violence situations. We have also announced that, in government, Labor will make domestic and family violence leave a universal workplace right by including an additional five days paid domestic violence leave in the National Employment Standards.

We, on this side of the chamber, are committed to doing all we can to eliminate domestic and family violence in this country, but it needs all of us to take a leadership role. It is not just up to us here in this chamber and in the other place. It is in every state, it is in every business, it is in every workplace and it is in every workplace that we need, as individuals, to stand up and say, 'Enough is enough.' We have to ensure it is instilled in our young boys that violence against women is unacceptable, that you are not a man if you use violence against women; a
man would walk away. We have seen, only too often over the Christmas and New Year break, king hits in our communities that have cost the lives of inspiring young people. We have to take leadership. We must continue the work that Rosie Batty and others like Barbara-Anne O'Byrne and Kirsten Ritchie have done in our country and make sure that we say, ‘Enough is enough.’

**Western Australia: Bushfires**

**Senator STERLE** (Western Australia) (19:59): Mr Acting Deputy President, happy new year.

**The ACTING DEPUTY PRESIDENT (Senator Williams):** And to you.

**Senator STERLE:** Tonight I would like to speak about the devastating bushfires experienced earlier this summer in my state of Western Australia and the loss of the historic town of Yarloop. Initially, I would like to pass on my deepest sympathies to all those affected by bushfires this summer, both in Western Australia and elsewhere throughout our country. I cannot imagine the hardships that the victims of these bushfires have experienced. However, I saw the catastrophic losses caused by these fires in Yarloop when I visited last Friday.

Yarloop is a small town of roughly 550 people situated 130 kilometres south of Perth. It was a historical centre of rail transport and has been classified as a conservation area by the National Trust. I have been associated with Yarloop for a couple of years now. Out of its small population, Yarloop saw 200 servicemen fight in the First World War, with 60 young men killed. Astonishingly, two of the men that returned were awarded the Victoria Cross for valour. As patron of the Darling Ranges Sports College I have had the pleasure of accompanying students, along with my very dear mate John Davis, to the Yarloop War Memorial before we headed off as a group overseas to tour the Western Front battlefields in Belgium and France. Yarloop is a great example of the astonishing contributions that small communities can make, and this demonstrates why these fires were all the more devastating.

I was invited to visit again this year by a good friend, Les Liddington, and his lovely wife, Merrilyn. Les fought the fire to save his house but was eventually forced to leave and ended up losing everything they both owned. The destruction of Yarloop was just incredible, and I can just share this with you if I may, Mr Acting Deputy President: it was surreal. There were homes that were absolutely razed to the ground, and yet next door there were homes that were not touched. I know that would not come as a surprise to you, being a good country person who has spent all your working life, and living life, in the country, but I just could not get over how certain homes were chosen and they were the ones that were going to go, and how terrible a feeling that would be for everyone there.

But out of the tragedy there comes one little bit of good news. Les had been battling a six-foot tiger snake in his yard and its six or seven babies for quite a while, and he could not catch that tiger snake no matter what he did. He said the tiger snake would rear up and have a crack at him every time he went outside. But he was proud to show us, amongst the rubble, the charred remains of that six-foot tiger snake. On that, you have to have a little smile. Les turned to me and said, ‘Well, at least I don't have to worry about that bloody snake anymore.’ Excuse me—those were his actual words.

The argument over who is responsible for the devastation caused by these fires, unfortunately, has started. Importantly, however, all sides of politics need to help the locals,
who now have the difficult decision of whether to relocate elsewhere or to stay in Yarloop. I would like to express my thanks to all those involved in fighting the fires, as well as those who assisted in the clean-up and are helping to restore power and essential services to Yarloop.

During the time I spent with Les and Merrilyn I was told of the many terrible things that occurred during the fires. Les will wait for the inquiry, and he hopes to put his name forward so his voice can be heard. Les has returned to his burnt-out house. He only left at the very last minute. He was burnt on the face and the chest, but he was back the next day, and since that day he and Merrilyn have been living in a caravan on the site that was their home. As I left Yarloop I asked whether there was anything I could do for him, and the only thing that he requested was 20 Australian flags to display on the remaining homes. I intend to deliver these flags personally, and I welcome any other Western Australian representatives who are willing to join me and see for themselves the destruction of Yarloop and the surrounding districts.

As my mate JD and I were pulling away, Les called to me and he said, 'Mate, tell them not to forget about us.' I can assure you, Mr Acting Deputy President, that I will not forget about Les and Merrilyn or any of the other victims of these fires, and I will do everything I can do to assist in any way I can. I want to do it bipartisanship, and as I said—and I say this from the bottom of my heart—if any government senators want to join me and come down, you will be more than welcome. The people of Yarloop would love to see you, and the last thing that I will entertain here is playing petty, stupid politics when 180 homes have been burnt to the ground.

The ACTING DEPUTY PRESIDENT: Thank you, Senator Sterle. Well spoken.

Australian Broadcasting Corporation: Heywire

Senator McEWEN (South Australia—Opposition Whip in the Senate) (20:04): This week, Parliament House will once again host the winners of the Australian Broadcasting Corporation's excellent Heywire competition. Tonight I would like to acknowledge two South Australian winners who live in the regional South Australian federal electorate of Barker. Heywire invites young regional and rural Australians aged 16 to 22 to enter short stories that are typically about their own experiences, family or close friends, or things they have observed within their regional town or city. The presentations can provide a unique insight for Australians on issues and current events such as mental health, racial discrimination, immigration, unemployment, sexism and domestic abuse within regional Australia.

Submissions are entered in a variety of formats: text, video, audio and photos. Once the submissions are entered, the ABC works with the contestants to produce their story and feature it on ABC platforms including radio and the ABC's websites. Winners travel to the Heywire regional youth summit in Canberra and brainstorm with other successful entrants about how to tackle problems affecting young Australians in their communities. Community organisations are invited to implement these ideas with the help of grants from the Foundation for Rural and Regional Renewal. More than 5,000 young people have entered the Heywire competition since its inception in 1998. For members of the federal parliament, Heywire gives a unique opportunity to learn more about what is important to Australia's young people who live outside the major cities.
One of the two winners I would like to acknowledge tonight is Rebecca Greening, who is from Naracoorte in the south-east of South Australia. Her winning Heywire entry noted racial discrimination in her home community that is sometimes manifest in unfounded and unjust allegations of terrorism and crime directed at people from the many different ethnic backgrounds who live and work in the area. Rebecca acknowledges that it is not only in regional towns that this type of racial discrimination occurs; it is, unfortunately, found everywhere, including in big cities, and not just in Australia, of course.

Rebecca says in her entry that Naracoorte is an excellent place to live, and she wants the people of Naracoorte to see the added benefits that a more diverse population would bring. She is a strong advocate for multiculturalism. With a growing Afghan population of approximately 300 people in Naracoorte, which has a total population of 7,000 people, Rebecca feels that now is the time to address the racial outlook in her town and in any other regional towns that are also dealing with problems of racism. Bringing about more awareness by counteracting negative media representation will play a big role in that.

The other entrant I wish to acknowledge is Shkiba Nasery. Her winning Heywire entry is about her story and how she came to be in Australia. Shkiba lives in Renmark, in the Riverland of South Australia. She was born in 1998 and comes originally from the Ghazni province of Afghanistan. She is part of a large family and her parents felt that the prospects of their children leading a happy life were very constrained by their environment in Afghanistan, so her father made the difficult decision to leave home when Shkiba was only one year old. He arrived in Australia as a refugee a year after his departure. Shkiba reflects on the lack of contact with her father and how she never really knew him as a young child. She understood his character only from her discussions with her mother and siblings, who did know him better. She talks about first meeting her father in Pakistan in 2006 and then of the whole family seeking and securing residency in Australia a year afterwards. Shkiba is grateful for the things that other Australians take for granted, including her access to a comprehensive education.

I would like to congratulate both Rebecca and Shkiba for sharing their stories and thoughts on Heywire. I hope they both enjoy their time in Canberra. I would like to encourage other regional and rural youth to participate in this year's 2016 Heywire competition. Entries close on 16 September this year, and details of how to enter are available on the ABC's Heywire website or indeed from any MP's or senator's office.

Flick, Mr Albert Jack

Senator O'SULLIVAN (Queensland) (20:09): I am privileged tonight to rise to reflect upon the life of one of the most respected businessmen, of one of the most respected business families—in my view—in the history of Australia. I reflect upon the life of Albert Jack Flick, who passed away on 10 January past. Albert Jack Flick, known to family and friends as AJ, was born on 17 April 1921 at Bangalow Cottage Hospital, near Byron Bay. He was the second son and the third child of William Albert and Phyllis Pearl Flick.

Jack's father founded WA Flick & Co. For those of us in the chamber who are old enough to remember, it was of course a famous company right up until the 1980s here in Australia. It was a pest control firm, whose slogan, 'Remember—one Flick and they're gone,' has entered the Australian vernacular. Without a doubt, it is one of the most famous lines ever expressed...
in Australian advertising. Jack was the last of the original company directors, and his passing marks the end of an amazing chapter in Australian business.

Jack's early years were spent in Tyagarah, Glen Innes and Perth, but in 1928 the family settled in Hornsby, a northern suburb of Sydney. Jack was educated at Hornsby Primary School and North Sydney Technical High School, before beginning work with his father in the family pest control business. His early years in Flick & Co were very hands-on, as is the case for many who evolve through family companies, and he recalled hair-raising incidents while carrying out cyanide fumigations of ships and buildings before there was any thought of safety regulations in this relatively new industry. During the Second World War, Flick & Co was declared a protected undertaking because of the many Defence establishments, hospitals and large industrial concerns, such as the Newcastle coalfields, which the company serviced.

Jack married Joyce Lillian Mary Bates of Waitara, Sydney, in St Peter's Anglican Church, Hornsby, on 12 August 1943. They had two daughters, Jennifer Mary and Elizabeth Ann. In 1957 they moved into their new family home in the nearby suburb of Wahroonga. Jack insisted the large bungalow be completed in timber construction and finish to demonstrate his total confidence in the protective powers of Flick pest control.

From 1950 the business was reorganised, becoming incorporated as WA Flick & Co Pty Ltd. While WA Flick still carried the title of chairman of directors, the effective running of the company passed to his two older sons, William George and Albert Jack, and his son-in-law, Cyril Taylor. Jack's first role in the newly incorporated business was to travel all over Australia, cancelling the previous agency agreements and establishing the branches of the new company. He became the face of Flick & Co in the rural and remote areas. He was travelling away from home for up to six months of the year and was very grateful that he had such a supportive and understanding wife. He particularly enjoyed his early trips into the Northern Territory and was also responsible for the company's expansion into Papua New Guinea, establishing branches in Port Moresby, Lae and Rabaul. He had many tales to tell of small planes, remote villages and amazing encounters with the indigenous cultures. Jack was responsible for the further expansion of Flick & Co into the Pacific region and beyond. In the 1960s he again travelled extensively, taking a particular interest in the establishment of branches in New Caledonia, Fiji, Hawaii and Hong Kong—a great success story, in my view, for a business created here in Australia.

During the 1970s Jack's nephews joined the family business, bringing new ideas for the future. In the mid-1980s the decision was reluctantly made to sell the company. At the time, Flick & Co was the largest pest control company in Australia, employing almost 500 Flick servicemen on the road, plus support staff in the offices. The company had also developed a building division, an agricultural services division, an aerial services division, a retail products division, a cleaning and restoration division and a hygiene division. It had 15 overseas branches, mainly around the Pacific but also as far-flung as Cape Town, Trinidad and Barbados. The company's infrastructure, outreach and reputation made it the perfect choice for the international takeover.

At the time of this sale in 1986, WA Flick and Co. was not only Australia's largest pest control company but was also one of the largest in the world. Significantly, at that time it was also the largest remaining family-owned company in Australia, which is an amazing title to
hold. With Jack's death, the last firsthand memories of this iconic Australian company also died.

Privately, Jack was an A-grade competition tennis player and later a competent social golfer. He was a King's Scout, a Mason and a justice of the peace. As an adult he studied languages, music, art and Indigenous cultures. He was a skilled bushman, knowledgeable farmer, entertaining raconteur and an avid fan, with me, of AB 'Banjo' Paterson's poetry—much of which he could recite by heart up to the time of his passing. He enjoyed bushwalking and, with his wife, was an enthusiastic traveller within Australia and overseas. In the 1990s he sang with the SydneySiders Express Barbershop Chorus, a barbershop-style choir, and after moving to Toowoomba he enjoyed membership of the Highfields Probus Club.

He was a devoted husband, father and grandfather; a true gentleman and, passionately, a proud Australian. It was after his move to Toowoomba that I had the privilege of meeting Jack Flick and some of his family. Jack and Joyce lived the majority of their lives in Sydney but at the end of the 1990s decided to relocate to the beautiful City of Toowoomba, where one of their daughters resided at the time. Jack lovingly cared for his wife during her later years and showed great courage in rebuilding his life after her passing in 2005.

As previously stated, and in closing, Albert Jack Flick passed away on 10 January 2016 and is buried with his wife in the Toowoomba Garden of Remembrance. He is survived by his two daughters, five grandchildren and two great-grandchildren. And I can say without fear of contradiction that they can be very, very proud of the contribution this man made during the course of his lifetime on behalf of that family.

His simple epitaph reads 'a life well lived'. He was a great man, he was a great family man and he made a great contribution to a grateful nation, and I say, 'Vale, Jack Flick.'

Nagorno-Karabakh

Senator BULLOCK (Western Australia) (20:17): I have always adopted a parsimonious approach to spending other people's money. For over 20 years in the union I did not carry business cards, reasoning that anyone who wanted to see me knew who I was, that anyone who I wanted to see would take my word for it and that the union would be better placed by saving the printing cost. In my current role I fly economy, I drive my own car in Perth and I bought another one for Canberra so that when I occasionally give talks in Sydney or Melbourne I can travel and stay at my own expense. I have never booked a Comcar and I have told my party and committees that I am not available for international travel at the expense of the Commonwealth or anyone else.

I am aware that this approach is not one commonly adopted. In particular, I note that it is not an approach adopted by the member for Cowan, Mr Luke Simpkins, as reflected in the report of The Weekend Australian Magazine of 23-24 January with reference to business-class travel by Australian politicians and their wives to Azerbaijan, paid for by what The Australian calls, 'the repressive former Soviet republic'.

One of the problems inherent in undertaking such jaunts is the possibility of the perception that any action which one might take with respect to issues arising therefrom represents a dividend on the investment made by those who pick up the cost of the trip. Indeed, the Australian refers to the Azerbaijani investment as:

… paying dividends in parliament with Liberal MP Luke Simpkins using question time …
to condemn as 'illegal occupation' the establishment of Nagorno-Karabakh, particularly when, according to *The Australian*, Mr Simpkins's electorate of Cowan is home to a grand total of four Azeri-born residents.

I had the opportunity of gaining some familiarity with the issues concerning Nagorno-Karabakh without leaving my office. Late last year I had the privilege of meeting Mr Davit Ishkhanyan, a member of the National Assembly of Nagorno-Karabakh. I found Mr Ishkhanyan to be a tremendously impressive individual: a committed democrat and a courageous defender of the liberty of his people against the oppression of their neighbour.

My meeting with Mr Ishkhanyan prompted some research into Nagorno-Karabakh and the struggles of the Armenian people generally. In 301 AD, eleven years before Constantine famously saw the vision of the cross of Christ on the Milvian Bridge, King Tiridates III of Armenia was converted to the Christian faith by the preaching of St Gregory the Illuminator, and the Kingdom of Armenia became the first Christian nation.

Before his death in 331, St Gregory had also brought the Christian faith to the region of Nagorno-Karabakh. His grandson, St Grigoris, is buried in the fourth-century monastery of Amaras, which still functions today as a primary centre of the Armenian Apostolic Church. Through 1,700 years the people of Nagorno-Karabakh have maintained their Christian faith and their Armenian identity, despite long periods of subjection to Islamic Turkish and Persian khans.

On 24 April 1915, the day before the Anzacs landed at Gallipoli, the Ottoman Empire commenced a genocide of its Armenian subjects, resulting in the deaths of some 1.5 million Armenians. In the early 1920s, the newly-independent Republic of Armenia, which included the region of Nagorno-Karabakh, was faced with a joint attack by Soviet Russia and Turkey. Fearful of Turkish occupation, Armenia reluctantly decided to accept Sovietisation.

Joseph Stalin at that time was People's Commissar for Nationalities, and played a key role in the decision on how to incorporate Armenia and its neighbour Azerbaijan into the Soviet Union. On 5 July 1921 the Caucasus Bureau of the Russian Communist Party decided to transfer the Nagorno-Karabakh region from Armenia and incorporate it into the Azerbaijan Soviet Socialist Republic.

In the late 1980s, with the emergence of perestroika and glasnost, the people of Nagorno-Karabakh began exercising their fundamental right to self-determination, calling for unification with Armenia. On 20 February 1988, the Karabakh national council voted 110 to 17 to request the transfer of Nagorno-Karabakh to Armenia. This call was aggressively opposed by Azerbaijan, which rejected any transfer of territory. On 23 February 1988—three days later—an Azeri mob killed 50 Armenian villagers in Askeran. On 27 February 1988, an Azeri mob hunted down Armenians in the city of Sumgait, raping and killing them. In January 1990, an organised pogrom against Armenians living in the Azerbaijani capital Baku resulted in 90 dead and 700 injured.

On 10 December 1991, an independence referendum was held in Nagorno-Karabakh. With a voter turnout of 82.17 per cent, the vote was 99.89 per cent for independence from the Republic of Azerbaijan, which itself had just become independent from the Soviet Union. Azerbaijan attempted to militarily suppress the new nation, but the plucky Armenians of
Nagorno-Karabakh, with the help of the Republic of Armenia, successfully defended their homes, their nation and their freedom, leading to a ceasefire on 12 May 1994.

Nagorno-Karabakh is a well-functioning parliamentary democracy which has conducted both presidential and parliamentary elections every five years since 1991. A formal constitution was adopted by referendum in 2006. This year this brave nation of 150,000 people will celebrate 25 years of nationhood. This nationhood is a fact rooted in a history of 1,700 years of Armenian culture and heritage and in the courage of the people of Nagorno-Karabakh, who seized their opportunity for freedom as the Soviet Union disintegrated.

To speak, as the Member for Cowan has repeatedly done in the other place, of the ‘illegal occupiers of the Nagorno-Karabakh region of Azerbaijan’ is ludicrous. How can a people who have lived continuously in this region for centuries illegally occupy their own land? Furthermore, such uncritical support for Azerbaijan’s absurd demand that this brave little nation commit suicide, dismantle its 25-year-old democracy and hand over its people to the tender mercies of the Azerbaijan government can only serve to strengthen the intransigence of the Azerbaijanis in refusing to recognise the reality of Nagorno-Karabakh’s nationhood.

As Nobel Peace prize winner Andrei Sakharov said in November 1989, shortly before his death:

For Azerbaijan the issue of Karabakh is a matter of ambition; for the Armenians of Karabakh, it is a matter of life or death.

Joseph Goebbels may have notoriously preferred guns to butter, but the Australian government needs to take care that its efforts to increase exports of butter to Azerbaijan do not result in the Azerbaijanis more confidently turning their guns onto the brave citizens of Nagorno-Karabakh.

**Centrelink**

Senator SIEWERT (Western Australia—Australian Greens Whip) (20:25): I rise tonight to speak about what I could only describe as some of the most terrible experiences that people have been talking to me and my office about as they relate to Centrelink and the Department of Human Services. Millions of Australians interact with and get payments from Centrelink. Some of those people actually rely on the payments they get in order to meet essential services, eat and pay their rent. These include, for example, disability support pension, youth allowance, Newstart, carers allowance and payments such as the age pension, the family tax benefit and paid parental leave. Millions of ordinary Australians are getting these services, and there is mounting frustration about the lack of services being provided by Centrelink and the Department of Human Services.

Because I have been contacted about this, I asked on Facebook for people to outline some of their experiences of their recent interactions with the Department of Human Services and with Centrelink. Within a couple of hours I had dozens—in fact, now I have 400 just over the last couple of days—of accounts of people's experiences with Centrelink. We have heard about the number of calls that are on call waiting or unanswered, but that is just the tip of the iceberg. The length of time that people have to stay on the phone, finally getting answered and then getting hung up on; the constantly engaged signal; the inaccessibility of the myGov site; the interactions where they are told to go into an office and are then told to go back to get on the computer to find a site that is not functioning and does not meet their needs—it is...
extremely frustrating. The cuts to government resources are having a devastating impact, and many people—including me—think it must be a deliberate strategy to make it harder and harder to get access to Centrelink and the Department of Human Services and for people to access what are essential payments.

I promised the people who sent me their accounts that I would try to read them into the Senate. Of course I cannot read all of these into the Senate, but I do give an undertaking that the issues that they raise I will be following up in estimates, because there are literally dozens of issues that come up, need to be explained and people deserve an answer for. I will read out some of the accounts in the time I have left available, because they are astounding in terms of the way people are being treated. It is no wonder they are getting frustrated.

Pos says that, never mind the time it took:
I have to travel a 200k round trip to make my 57 second appointment (yes I timed it).

Pos then goes on to describe his experience of trying to apply for DSP for his father:

At the moment, he can't walk without assistance, his speech is slurred, he can't always use his hands, he gets sporadic bell palsy, he will randomly shake while standing, has short-term memory difficulties, falls asleep as soon as he sits at a desk and is in constant pain. But according to Centrelink he can work 15 hours a week. So he is on News tart where he has to apply for jobs that he can't read or sometimes comprehend.

Celeste said:
My poor mum has to call up Centrelink on two occasions every fortnight one for herself for being a carer and one for my dad, who is disabled. Each and every time I hear her struggle to get a hold of them often having to stay on hold for hours.

Jaslyn said:
I am on Centrelink because I have a bad knee (waiting for surgery), and a special needs child. This morning, while reporting online, I found out my payment had been suspended. Rang Centrelink, on hold for over 2hrs, to be told that I didn't respond to a letter... A letter they sent to the wrong address. Another 50min on the phone to have payment reinstated.

Shane said:
7 Hours one day, I truly wish I was joking, OR exaggerating at all. But I'm not, I think I still have the screenshot on my old phone somewhere. This was about 5 months ago. I was trying to sort out a medical issue and my job network member at the time, it was disgusting..

Bec said:
I suffer from a chronic pain condition called Fibromyalgia. I spend more time in bed with pain and not being able to do the simplest tasks like sweeping my house then I do out of bed. I am in pain on a daily basis and it is only the severity of that pain that changes. I have just been rejected for the disability claim saying I do not meet the criteria.

Amanda said:
I recently applied for the disability support pension. I was told the process would take 7 weeks. 6 months later it was finally approved. I spoke to a very helpful officer who explained the processing staff have a grade of service. They need a certain per cent done in the 7 weeks so if your processing goes a day over they let it sit without chasing anything up to focus on ‘easier’ cases.

Marion said:
If you are a disability pensioner and change your address, the essential medical equipment allowance forms need to be filled in by a doctor again. Wasting the doctor's time and Medicare funding obviously. You find this out when you receive a letter the week following registering the new address when you receive a letter cancelling your essential medical equipment allowance.

Chayla said:
I have to make sure I have literally nothing else to do that day and sit there pressing recall for 1-2 hours BEFORE being on hold for an hour and a half average. I'm lucky that I can use the app for most things now but dread having to have direct contact.

Rachel said:
Recently spent every day for over a week trying to call Centrelink, as requested in a letter sent to me. Received an engaged signal on both Families and Employment line every time, pressing redial over and over again for the same response. Eventually got through to be told it was a 90 minute wait. My phone (a cordless landline!) ran out of battery before it was ever answered.

And the concerns go on:
We know that if we ever have to call, we have to make sure the home line is charged and that nothing can interrupt us for at least one to two hours because it always takes that long to get served. That said, the staff are always awesome and generally know what to do and are always polite. The online stuff, oh my sweet God. The myGov site is like pulling eyeballs and I cry if we have to use it.

Online services quite often do not work and it takes several attempts even over a couple of days to do what you need to do. If you need to phone them, yes, expect to try to get through for at least an hour first then you are on hold for maybe another hour. The whole thing is sooooooooo frustrating. They want you to do the right thing ie report and update circumstances but they make it near impossible to do it.

And that takes me to a very important point—all these raise very important points: the government says it is tightening up compliance requirements. People are trying to report. They are trying to report over the phone, they are trying to report online and when they go into Centrelink offices they get told to do it online. People talk in these reports about trying to register online and then getting told they have to show their ID. So they go into the Centrelink office to show and verify their ID and to try and finish the process in Centrelink itself with a human being but they get told they cannot. They have to go back home and do it online. Or they could use the system at the office but there are examples in these accounts of where the system was down in the Centrelink office so they had to go home again and then it would not accept the ID because the person in the Centrelink office had not actually keyed it in right. These are real lived examples happening all the time every day. The government have done an appalling thing by cutting resources to Centrelink. They need to get their act together and they need to fix it.

**Australia Day**

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (20:36): This is the first sitting of parliament for the year and therefore the first sitting since we celebrated Australia Day. Australia Day is an occasion to celebrate the things that are great about our nation—our democratic freedoms, our mateship and egalitarianism, our spirit of volunteerism and our fantastic lifestyle. It is also an opportunity to welcome new citizens to our country and to recognise through various awards and honours the Australians who have made significant contributions to our nation or to their local communities.
Each Australia Day, I attend the Kingborough Council's awards and citizenship ceremony. At this event Elspeth Haughe was awarded Kingborough Citizen of the Year. She was recognised for establishing and expanding the Kettering walkers group, an active group of about 30 people who walk for fun and fitness and who also lobby for improvements to local tracks and footpaths. The Kingborough Young Citizen of the Year, Connah Johnstone, was recognised for his advocacy for mental health. Connah recently appeared in a video to promote mental health and seeking help, and very bravely spoke about his own personal experience with depression.

While councils acknowledge contributions to the communities, citizens are also acknowledged at a national level through the Order of Australia. I am pleased that two recipients of Australian honours are people I have known for some time. Former Tasmanian Treasurer Michael Aird received an AO for his significant contribution to the Tasmanian economy, securing a AAA credit rating for the state and driving major reforms in water and sewerage and shop trading hours. Also, my former colleague in the House Geoff Lyons received an OAM for his current work as a West Tamar councillor and for his longstanding commitment to surf lifesaving.

Another aspect of Australia Day is being able to see people become Australian citizens. On Australia Day this year, we welcomed 16,000 new citizens, including 279 citizens in Tasmania, from 53 countries. I truly believe Australia is a great country, and there is no better evidence of this than witnessing a citizenship ceremony and the pride that our new citizens take in becoming Australian.

The other thing I do on Australia Day every year is head down to Kingston Beach for the annual event A Day on the Beach. Usually I get up at about six, go down, help do some setting up, go off to the citizenship ceremony and then go back down to the beach. A Day on the Beach is one of Tasmania's biggest Australia Day events, and this year it attracted a crowd of 11,000 people. I am extremely proud to have served as patron of this event for the past six years. The popularity and continued success of this event never cease to amaze me. Although I have spoken before about A Day on the Beach, I think it is worth repeating that it is run entirely by volunteers and is put together on a shoestring budget.

The Kingston Beach Regatta Association, the organisation that runs the event, turns over no more than about $15,000 each year and still manages to organise an event that attracts thousands of people—as I said, about 11,000 this year—while sticking to the principle that all activities are free. That is right—free. People who come to the event do not have to pay a cent, unless they want to purchase food or merchandise. Some of the regular activities that are major features of A Day on the Beach include an ocean swimming competition, another swimming race which features inflatable thong-shaped lilos, a beach volleyball competition and a sandcastle or sand sculpture competition. This year's A Day on the Beach also featured a Lego beach scene constructed by Lego artist Marcus Vanson.

One of my favourite aspects of the day is judging the sandcastle competition, which I have done for many, many years. My fellow judges this year were Kingborough Mayor Steve Wass and Councillor Dean Winter. It was a tough job because there were some really amazing entries. People had sculpted various animals, like dolphins, octopus and various kinds of fish. There was a ute—and we are not talking little sandcastles; we are talking very, very large sandcastles. One of the more creative entries was a Star Wars Millennium Falcon. Some
family groups start at about six o'clock in the morning and take hours and hours to work on their projects. So there is a lot of work that goes into them.

For the last couple of years, the Tasmanian detachment of the Royal Australian Navy Band has provided some fantastic live entertainment for this event. Usually the words 'navy band' conjure up images of a brass band, but they are actually a high-energy rock band, playing modern songs like *Happy* and *Uptown Funk* as well as a few classic hits from the eighties. They were an absolute hit with the crowd, with hundreds of people crowding around the stage and dancing and clapping to the music.

A Day on the Beach would not be possible without the support of many generous sponsors and local not-for-profit community and sporting organisations. The biggest in-kind contributors were the Kingborough Council, the Lions Club of Kingborough and the Rotary Clubs of Kingston and D'Entrecasteaux Channel—the latter of which I am a proud member. I also acknowledge the generous financial support that is given to the event by the Tasmanian government.

Each year, I have a stall at A Day on the Beach, mainly for anyone who wants to approach me with queries or concerns. This year at my stall, I encouraged people to sign a petition—and Senator Siewert would be interested in this—that was started by my colleague in the House the member for Franklin, Julie Collins. The subject of this petition is the recently announced closure of the Centrelink and Medicare service centre in Kingston. I joined with Ms Collins in lobbying for this service centre to be established back in 2010, but now it has fallen victim to the Abbott-Turnbull government's cuts. This service centre is the only one in the Kingborough municipality, and it simply does not make sense to close a service centre which services the fastest-growing municipality in Tasmania.

The population of Kingborough is now around 35,000. It is an ageing population: roughly 30 per cent of the population are over 55 years of age. For Medicare and Centrelink customers wanting to access face-to-face services, the nearest service centre is in Hobart. In fact, closure of this office will leave all of the people south of Hobart, around 50,000 people, with no face-to-face Medicare service—not any. Not only does the distance—the fact that they want people to go to Hobart—add further time and inconvenience to dealing with Medicare and Centrelink; it adds additional costs as well. The cost of public transport to and from Hobart, or petrol and parking, may seem relatively small to us, but it can be a big impost for someone on social security payments or a fixed income. This is particularly an issue for elderly residents, or people with mobility issues, who feel that they have no other option.

Many people have reported to me horrendous wait times for Centrelink phone services. We just heard Senator Siewert go through some emails she had received about it. I think that we are all receiving those sorts of concerns. It is up to two hours on some occasions. The growth of digital transactions with Centrelink was supposed to reduce demand for call centre services, but a recent report from the Australian National Audit Office shows that 40 per cent of all incoming calls to Centrelink resulted from failed online or self-services. In any case, online services are not an option for everyone. Some people do not own a computer, while others do not feel confident enough or secure enough doing business with Centrelink or Medicare online. The closure of the Kingston service centre comes at a time when the Department of Human Services should be making themselves more accessible to the public.
What I find really amazing is that, besides the fact that we have probably received more than about 2,000 signatures to our petition so far, this decision was announced without any consultation with the local community about how it would affect them—not even with the mayor, let alone the federal member, Julie Collins, knowing anything about it. What I find even more incredible then is that the deathly silence from the government senators, especially those based in southern Tasmania. I am referring to Senator Abetz and Senator Bushby. I know that Ms Collins has written to these two senators, inviting them to join the campaign to save the service centre and, as far as I am aware, she has not received a response and they have made no public comments about the issue. And the endorsed Liberal candidate for Franklin has also been surprisingly silent on the matter. I can only judge by the silence that one of two things are happening: either they have failed to appreciate the depth of feeling in the community over this decision being made with little warning and no consultation or they know that Kingborough residents are angry but they are embarrassed and ashamed at their government making such a ludicrous decision and they are trying to keep a low profile, hoping it will all blow over.

I remind anyone who would accuse me and Ms Collins of opportunism on this issue that we started lobbying for this service centre long before it was government policy. We will stand up for the people of Kingborough and continue to campaign for quality services in Kingston, no matter which party is in government. It is not too late for Senator Abetz, Senator Bushby and their Liberal colleagues to join us and help us to make sure that people have access to these services that are so important to them.

**Tasmania: World Heritage Area**

 Senator McKIM (Tasmania) (20:46): Tasmania has so many beautiful places but one of its most breathtakingly spectacular places is the Walls of Jerusalem inside the Tasmanian Wilderness World Heritage Area. The clifftop walk in the walls—where you walk along an alpine plateau between King David's Peak and Solomon's Throne—is so beautiful and so other worldly. You can look down and see the sparkling lakes and the beautiful tarns nestled amongst alpine meadows and cushion plants. Then of course the great pencil pine forests of Dixon's Kingdom, snug under Solomon's Throne, are ethereal, almost magical—true places of wonder. But as I stand here this evening the walls—with their fragile alpine ecosystems and their Gondwanan species which in the whole world only exist in very small parts of Tasmania—are under threat from fire. These ecosystems are not fire adapted. They have not seen fire for many hundreds, and in some cases thousands, of years. If they are burned, they will likely never recover.

And it is not just the walls that are under threat. The Tasmanian Wilderness World Heritage Area currently has over a dozen fires burning within it. We have already lost to fire in the last three weeks over 12,000 hectares inside the World Heritage area alone and around Tasmania over 70 fires are still burning. Most were started by dry lightning strikes on 13 January this year. Many of these fires have threatened lives and communities and, as usual, our professional and volunteer firefighters have performed—and continue to perform as we speak—magnificently, but the events of the last three weeks have raised significant questions about the way the Commonwealth and state governments have responded to and have planned for fire events in wilderness areas.
The Tasmanian Wilderness World Heritage Area is the heart of our beautiful island. For so many of us it is the heart of what it means to be Tasmanian. It is part of what defines us and it nurtures our spirits just to know it is there. But it also has economic value. A Commonwealth government report in 2009 found that the World Heritage area in Tasmania delivers more than $1.2 billion every year in direct and indirect economic benefit to Tasmania and over 5,300 jobs rely on the World Heritage area. We know from Tourism Tasmania research that wilderness is by some margin the most important factor that influences people's decision to visit Tasmania, and we are now attracting over a million tourists every year to our beautiful archipelago.

The wilderness is at the core of our lucrative clean, green brand and it adds value to many of the world-class products we are rightfully so proud of creating in Tasmania. It mitigates global warming by sequestering carbon in all its complex layers. It stores water that we use to drink and to generate electricity. In short, it is too precious and too valuable to lose. We need to fight with all that we have to save these places that are currently under terrible threat.

Our firefighters need and deserve the resources to allow them to properly do their job, and it is the Commonwealth government which urgently needs to step up to the plate here. It has agreed to the World Heritage convention, which binds it to responsibly manage the Tasmanian wilderness. It has the resources to act and the responsibility to show leadership. But these fires were burning for nearly two weeks before we heard as much as a peep out of a Turnbull government minister. I ask the Senate: if the Opera House were on fire, would we quietly let it burn? The answer of course is no. You would have politicians elbowing each other out of the way to get in front of the cameras and demand more resources, but somehow, because it is wilderness and it has become the political plaything of the old-style political parties, we have heard nothing but silence for far too long.

As it became apparent that the Commonwealth government's response to the crisis was inadequate, I wrote to Minister Greg Hunt on Monday, 25 January. I received a reply in the evening of Thursday, 28 January. Minister Hunt's reply is basically a confession of inadequacy and an effective admission that he was asleep at the wheel. On his own evidence it was nearly two weeks after these fires started on 13 January that he awoke from his slumber and activated Emergency Management Australia provisions—nearly two weeks while the World Heritage area that is his responsibility as minister to look after had some of its most precious ecosystems destroyed by fire.

Our climate has changed and it continues to change at an alarming pace. We should be preparing and planning for conditions that we have seen this month and last month in Tasmania to become the new normal. Here is Dr Andrew Dowdy, research scientist from the Bureau of Meteorology, who said on ABC local radio last week:

We've found that there's a good chance that there'll be more dry lightning in South Eastern Australia in summer with climate change.

It is clear that we need to be prepared for hotter, drier conditions and increased fire threat right across the entire state of Tasmania, as well as much of the rest of the country. We need more firefighters, and the resources to support them. We need more rapid response capacity, including aerial assets, to provide decisive, rapid responses on the ground and in the air as soon as we know these fires are burning. We need plans in place, appropriate modelling
software, and dedicated financial, human and mechanical resources that can swiftly be made available.

While welcome action has now been taken against some of these fires, and more is apparently planned, we did not do anywhere near enough early enough to respond to this crisis. We missed a critical window for action soon after the fires started, because critical to reducing damage from these fires is to act quickly, before the fires become too big to stop without drenching rains. We need two things to come out of this debate. Firstly, we need all the available resources of our country—aerial and human resources from all over Australia—down in Tasmania now to defend these national treasures. Secondly, we need a truly independent inquiry once the current fires are out or under effective control—not to allocate blame, but to ensure that we do better next time.

Remote area firefighting is difficult, dangerous and resource intensive, but we are stewards of one of the world's great wilderness areas. As those stewards, why should we not aspire to be among the best in the world at protecting it from fire? This is not an either/or argument between protecting lives and property or defending wilderness areas. Funding for fighting fires is not a zero-sum game. The financial resources are here to do both; it is the political will that is lacking. We cannot be fatalistic about this, throw our hands in the air and say, 'Oh well; it's just nature taking its course.' It is not nature taking its course, because our greenhouse gas emissions are turning nature on her head. We are the temporary stewards of ancient life forms and ecosystems found nowhere else on the planet. We can do far, far better than what we have seen in the last three weeks. The question is: do we have the political will?

Fair Work Building and Construction

Senator CAMERON (New South Wales) (20:55): Fair Work Building and Construction, under the leadership of Mr Nigel Hadgkiss, is mired in administrative incompetence, cronyism, bias and partiality in the exercise of the agency's functions. It also operates under a culture of bullying and harassment. In the past two years, Mr Hadgkiss has failed to properly answer or make a claim of public interest immunity in respect of 20 important questions about the administration of his agency. I only have time tonight to cite the worst examples.

In one of the most egregious examples of Mr Hadgkiss's desire to cloak his agency in secrecy, he is currently seeking to cover up whether improper payments have been made to a former APS senior executive service officer, Mr Glyn Cryer. His employment was terminated after an APS Code of Conduct investigation conducted by the agency found he had engaged in corrupt behaviour. This is not my characterisation of the officer's conduct. Fair Work Building and Construction itself reported to the Australian Public Service Commission that the officer had behaved corruptly. Any hint of corruption in the Australian Public Service is a very serious matter. The parliament is entitled to know if senior APS officers are behaving corruptly. The parliament is even more entitled to know if senior APS officers found to have behaved corruptly are walking away with more than they should be entitled to under confidential agreements with government agencies.

Despite having had two opportunities to do so, Mr Hadgkiss has not denied that this officer was the beneficiary of a payment above and beyond his legal entitlements. The parliament is entitled to know, if this payment has been made, who authorised it. Was it the head of the agency, Mr Hadgkiss? Was it the Secretary of the Department of Employment? Was it the Public Service Commissioner? And what was the minister's knowledge of it? It is
inconceivable that anyone could think it is acceptable to use public funds for an ex gratia payment to a senior APS officer found to have behaved corruptly. And if no ex gratia payment was made in this case, why doesn't Mr Hadgkiss just say so? Who, other than Mr Hadgkiss, could possibly think the Senate is not entitled to know the details of this tawdry business because it is all a bit sensitive and personal and people might be embarrassed?

This is Mr Hadgkiss' view. It is in writing in answer to questions on notice from the last estimates. It is also the Minister for Employment's view. She also thinks the possible embarrassment to the former senior APS officer involved outweighs the Senate's right to know about corrupt conduct and expenditure of public money. If anyone doubts the minister might hold this view, look up Senate question on notice 2796 on the APH website. The Senate is entitled to know the details of this matter. If Mr Hadgkiss believes it is not, he will have to drop the privacy nonsense and make a public interest immunity claim setting out the actual harm to the public interest that would result from the Senate being informed about corrupt behaviour and the misuse of public funds in the Australian Public Service. I expect the Senate to be further informed on this matter next week through the estimates process.

The Senate is entitled to be satisfied that government regulatory agencies have not been captured by interest groups the agency is supposed to regulate. Regulatory capture is a form of political corruption that occurs when a regulatory agency, created to act in the public interest, instead advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating. Until I asked him about it in estimates, Mr Hadgkiss had never heard of the concept of regulatory capture.

In Fair Work Building and Construction's 2013-14 annual report, Mr Hadgkiss disclosed he had made 50 stakeholder presentations in the eight months since he was appointed as director. These presentations included small boardroom meetings. Given that it is in the cosy atmosphere of small boardroom meetings, perhaps over a spot of lunch amongst friends, that regulatory capture can occur, I felt that transparency would be even better served if Mr Hadgkiss disclosed which company boardrooms he had been invited to. So it was with some surprise that I encountered fierce resistance from Mr Hadgkiss to the proposition that more transparency in relation to these meetings might dispel any thought that the regulator was being captured by the companies being regulated.

First Mr Hadgkiss said that he thought it would be an unreasonable diversion of agency resources to reassure the Senate that his agency is not being captured by one side of the industry in cosy boardroom meetings. Then Mr Hadgkiss said it was unreasonable for him to disclose which company boardrooms he is attending because he was not sure that he kept an account of every boardroom meeting he attended. Then the position became that he would not disclose which boardrooms he had attended because those companies could have 'retribution handed down towards them'. Who would have thought that meeting Mr Hadgkiss could be so dangerous? Then Mr Hadgkiss told an estimates hearing that he could not disclose his appointments because he does not keep an official appointments diary. If this is true, which I doubt, then Mr Hadgkiss would be the only statutory office holder in the country who does not keep an official appointments diary.

The agency's latest annual report makes no mention of any comfortable boardroom meetings. You have to wonder why.
Since Mr Hadgkiss was appointed Director of Fair Work Building and Construction, sick leave and unscheduled absences per employee have doubled to levels which are amongst the highest in the APS. Spiralling sick leave and unscheduled absences are red flags for something deeply wrong in any workplace.

I am in possession of emails providing evidence of a culture of bullying and harassment, a culture in which complaints are ignored, perpetrators are protected and victims are punished. I am in possession of emails and other documents which indicate that code-of-conduct investigations resulting in employees being sanctioned with penalties, including termination, are being used to silence hardworking, honest public servants working at Fair Work Building and Construction who want a bullying-free workplace.

One employee, Mr Mark Lanigan-O'Keeffe, was sacked in 2014, ostensibly for unauthorised parking of his car at Fair Work's Sydney office. Three other employees were also subject to code-of-conduct investigation for the same offence. They were either exonerated or merely reprimanded. Only Mr Lanigan-O'Keeffe was sacked. He was an agency harassment contact officer and union delegate who had made and passed on multiple bullying complaints to management.

There are two current proceedings in the Federal Circuit Court to which the Director of Fair Work Building and Construction is the respondent and in which I am led to believe bullying and harassment are significant issues. Mr Hadgkiss is spending tens of thousands of dollars of taxpayers' money on expensive private lawyers to defend these matters and prevent public disclosure of the facts behind these cases.

Given the maladministration of this agency by Mr Hadgkiss, of which I have provided only a few examples, he should seriously consider his position as a statutory officer. If he will not, the minister should.

**Member for Warringah**

**Senator SIMMS** (South Australia) (21:04): Madam Acting Deputy President, a happy new parliamentary year to you. I rise tonight to talk about a matter that will be of importance to all Australians who value equality and diversity. I refer to former Prime Minister Tony Abbott's decision to speak at an event hosted by the gay-hate group Alliance Defending Freedom in the United States last week.

This was a brazen slap in the face to gay, lesbian, bisexual and transgender Australians and their loved ones. Mr Abbott might hold conservative views—his conservative views are well known—but he is no ordinary politician. He is a former Prime Minister of this country. Having held that important office—indeed, the highest office in the land—he is considered an ambassador for our country. Like it or not—I have to say I do not like it—that is the reality. With that in mind, he should think very carefully about the causes with which he associates.

And let us make no mistake: the Alliance Defending Freedom is no ordinary religious group. This is no ordinary organisation. It advocates for the criminalisation of homosexuality and the abolition of anti-discrimination laws that protect LGBTI people. It is a lunatic fringe organisation that promotes an agenda that ruins people's lives. That is a fact: the agenda of this organisation is life destroying. That is the consequence of criminalising homosexuality, and we have seen the implications of that the world over.
In this place last year, I spoke about the homophobia of the Australian Christian Lobby, an organisation that uses the Christian name to peddle lies, misinformation and hate speech. Well, the Alliance Defending Freedom is the ACL on steroids when it comes to peddling hate against the LGBTI community. It is the ACL on steroids when it comes to homophobia and when it comes to demonising innocent people. Despite professing to defend freedom, the focus of this organisation is on anything but. It is about restricting the rights and freedoms of LGBTI people. That is the focus of this radical fringe organisation.

The Alliance Defending Freedom seeks to strong-arm the judiciary in the United States so that it can restrict the human rights of women and LGBTI people. According to The Conversation:

- It has more than 40 lawyers on staff, and has trained more than 1300 law students and 1700 practising lawyers.
- So it is a significant organisation, and a large organisation. In 2003, it fought unsuccessfully for the rights of states in the US to criminalise gay sex and it continues to campaign, unsuccessfully, in the United States against marriage equality.
- I also want to point out that the reach of this organisation extends beyond the United States. This has a global influence and a global focus. There have been reports that this organisation has provided advice to supporters of Russia's anti-LGBTI legislation. This anti-gay legislation in Russia has had the most appalling human consequences. The terrible human rights abuses of the Russian regime and the terrible treatment of gay and lesbian people is well documented.

In Belize, I understand, the Alliance Defending Freedom provided lawyers to advise an anti-gay coalition to help retain its anti-homosexuality laws. In Belize they have a law known as section 53, which imposes a 10-year jail sentence for 'carnal intercourse against the order of nature'.

This is an organisation that has some very sinister links. This is an organisation that a former Prime Minister of this country thought it was appropriate to associate himself with. A former Prime Minister of this country is courting this radical fringe organisation. What a slap in the face to LGBTI Australians and what a slap in the face to all people who value equality in our country. Quite frankly, it is deplorable and an embarrassment to our nation. By sharing the rostrum with these bigots and homophobes, Mr Abbott is legitimising their hateful agenda. He is legitimising hate speech, which ruins people's lives.

The former Prime Minister is fond of lecturing Australians on mainstream values. He may well reflect on how many would share the views of the Alliance Defending Freedom. How many Australians would support the criminalisation of homosexuality—the criminalisation of gay sex? My home state of South Australia abolished that 40 years ago last year, but that is the kind of world this organisation wants to take us back to. They want to take us back to the dark ages, with all the heartache and human misery that comes with it. To see a former Prime Minister of our country indulging such an organisation is an affront to all Australians.

When it comes to combating homophobia, racism and sexism, we in public life have a responsibility to stand up and speak out. We have a responsibility to lead by example. We have a responsibility to model appropriate behaviour. It is by doing so that we can help change the culture of our country. This is the test of leadership that Mr Abbott has failed time
and time again. After all, as opposition leader he thought it was appropriate to stand in front of a placard describing former Prime Minister Julia Gillard in the most sexist and degrading terms. And now he is at it again, going to the United States and associating himself with the lunatic fringe. What's next? What's planned for his next United States visit? Maybe a joint press conference with Donald Trump and Sarah Palin? They certainly seem to be promoting the same brand of ugly and divisive politics. I note that Mr Trump's political career has fallen quite flat today; maybe it is following the Tony Abbott trajectory.

In the speech Mr Abbott gave to this hate group, he said that it was time for common sense to prevail. He said, 'We need less ideology and more common sense'. Well, isn't that rich! If only he would follow his own advice. This is a man who has made a political career out of imposing his radical agenda on Australia. Let's face it; this is a politician who is so conservative he makes John Howard look like Karl Marx. It is time for him to put his radical ideology aside and stop fanning the flames of ugly division in this country.

And, let me say, on the topic of common sense, it is time for Prime Minister Malcolm Turnbull to show some leadership on this issue. He needs to call Tony Abbott out for his bigotry. Apparently, the ex-Prime Minister is free to speak to whoever he wants and say whatever he wants. Mr Turnbull just shrugs his shoulders and says that it is 'Mr Abbott's right as an MP'. It seems that it is his right to say whatever he wants and to talk to whatever right-wing conservative lunatic fringe organisation he wants. Well, what about the rights of the LGBTI community? What about the impact this has on our national reputation? And what does this say about the government of our country when you have one of its key figures behaving in this manner? What does it say when you have a former leader of the Liberal Party, a former Prime Minister of this country, jetting off overseas, courting bigots and homophobes in the United States? What does it say about this Liberal government?

The Greens will always call out homophobia when we see it. It is time for the leadership of this country to speak out and do the same.

**Orange Sky Laundry**

**Senator MOORE** (Queensland) (21:13): Last week two young men from Brisbane were honoured with the title Young Australians of the Year. Nick Marchesi and Lucas Patchett launched Orange Sky Laundry in 2015. It was a simple idea. They wanted to treat people who were homeless with respect. The idea was that they would provide a free laundry service so that people who did not have much else would at least have the respect of having clean laundry.

These two young men are very articulate and they are great salesmen. I have had the honour of meeting them a couple of times and hearing them speak. After they won the award they did a maze of media, and in doing that they have both talked about their passion and the idea behind Orange Sky Laundry.

Lucas Patchett said in his discussions that they started Orange Sky Laundry because their 'eyes were opened to homelessness at a really early age'. They were involved with a school van at their school, Gregory Terrace in Brisbane, which is pretty close to where my office is. The school has a strong social justice feature in the programs for the young men who attend Greg Terrace. They have time working with their communities to learn more about equity and social justice. Through this program these two young men got to meet with people who had
not very much, who had genuine disadvantage. Out of that came the idea of treating homeless people with respect. One of the core elements was linking the laundry service with an opportunity for people to have a chat—a genuine connection of community. Lucas went on to say:

the great thing about laundry is it takes time and that time is the most powerful impact that our service can have.

... you know, one hour is one hour having a chat on our great orange chairs is a really good time for our volunteers but also our friends ... to really connect back into the community.

The idea was, as said by Nic Marchesi:

Orange Sky's key mission is to better connect the community and what we've found is that through a really simple thing like having fresh clean clothes we're able to restore respect, raise health standards, and reduce the strain on resources.

The basis of Orange Sky Laundry is engaging volunteers. As of this week there are over 270 volunteers working for Orange Sky in Brisbane, Melbourne and Cairns, bringing their services to the community. It started very simply in Brisbane. They got hold of an old van, appropriately called Sudsy, which took the idea into the streets. They took the van, fitted it out with a generator, water tanks and two large washing machines and dryers. They started driving around the streets, going to where homeless people were and parking near food vans, allowing the homeless people to have their clothes washed while waiting for a feed. It costs between $5 and $6 for people to go to a laundromat to have their laundry done. That can be a real problem if you are surviving on the streets, so the idea was that the service would be provided free. It has grown because it works. The service has received funding from a number of volunteers, from organisations—a large number of people who wanted to be involved. I think it really started with the families of the two young men and their school community, who worked together to ensure their idea would be able to start, and indeed it has. When Mr Patchett was accepting his award the other night, he said that the simple idea was, 'clean clothes and conversation. But after'—now, at the end of 2015—'70,000 kilos of washing we realised it was much more than that. We can restore respect. We have found a way to treat others how we would want to be treated.'

Orange Sky Laundry, while establishing itself across the cities of Brisbane, Sydney and Melbourne, has gone to a couple of areas where there have been the added issues of local tragedies. Last year Premier Annastacia Palaszczuk was warning Central Queensland to brace for cyclone Marcia, which was hitting our coast. The guys were in Cairns and took their Orange Sky Laundry van to the people of Rockhampton and Yeppoon. There are some quite amazing television footage of the regions there, where houses had been destroyed by the strength of cyclone Marcia. Having the van there for people to gather around and to be offered the simple respect of clean laundry and of having a place to go. Lucas Patchett tells of their mission:

We jumped in the car and started driving south, pulled into Rocky—

which is several hours down from Cairns, as you would know, Madam Acting Deputy President Peris—

at around 1am just after the cyclone hit and there was significant damage all throughout the city. We were there in Rocky and Yeppoon for four days and we washed over 1,000 kilos of clothes.
On the Orange Sky web site there are interviews with people who used Orange Sky, not just in Yeppoon, although it is incredibly touching to see that, but also other people who have had the benefit of using it.

I think it is important that the work and commitment that these young men have put into their service and the understanding that a simple idea can build into something that has been so effective and powerful is shared by people across the community. Lucas Patchett talks about an experience with a bloke called Jordan, who was a really important person that they met on the streets. Lucas describes him as a 'really important part of our story and humbling for us. Jordan went to school just up the road from us.' He did the exact same degree as Lucas is currently doing at the University of Queensland. 'This guy might be five or 10 years down the track from me, and after one, two or three wrong turns in his life he finds himself in a very unfortunate situation. To wash and dry his clothes was a really powerful experience for me.' They also talked about a young man named Grant, who had come to the service for the first time. Mr Marchesi said:

As I passed Grant's laundry back to him, he told me something I'll never forget. He said, 'Nic, I haven't been able to have a conversation with anyone for over three days'.

Again, this is the link of having not just the laundry service available but the important element of engagement and having a conversation. Indeed, it is building community, load by load of washing.

I did not think I would ever be talking positively about laundry. It is not something I think about as being important in my life, but listening to the stories that I had the chance to do over the last couple of years in Brisbane about the difference Orange Sky has made to lives reinforces how important an element engagement—talking and understanding—can be.

We have talked about why these guys got involved. We have talked about the passion they have and the need for more volunteers and donations—there is absolutely a call for that—but one of the big questions is: why is it called Orange Sky? I did not know. The song Orange Sky is by a guy called Alexi Murdoch, who has been a very important artist. In the song are the words 'in your love my salvation lies' and 'I had a dream I stood beneath an orange sky with my brother standing by.'

The idea for Orange Sky came to these young men when they were inspired to work together and to work with their brothers standing by. I think this group is a very worthy recipient of the Young Australian of the Year award—the first time the award has been jointly held. I think Orange Sky shows that mateship can bring about a great dream and a great passion.

I want to congratulate Nick and Lucas for their work. But I also think that we can be a part of it. That is the opportunity we have, not just through young Australians of the year but through building Australian community on every corner of every street and by ensuring that we treat people with the respect they deserve, and maybe having a chat with them while their laundry is being done by Orange Sky.

**Australian Defence Force**

**Senator LAMBIE** (Tasmania) (21:23): Seated in the Senate public gallery tonight are two young Australian Army veterans to witness my speech, which will address their issues. They are SAS Trooper Evan Donaldson and former Australian Army officer Marcus Saltmarsh.
acknowledge and congratulate them on their service to their country, and I apologise for the appalling abuse and crimes they and their families have been subjected to by senior members of the Australian military and our government.

SAS Trooper Evan Donaldson is still officially in the Australian Army. He has never been discharged. He served in the SAS at the same time as two Victoria Cross recipients, Ben Roberts-Smith and Mark Donaldson. Evan joined the Australian Army in January 2004. He served with the 3rd Battalion Royal Australian Regiment and deployed to the Solomon Islands in 2005 on Operation Anode. In March 2006, Evan passed SAS selection and was badged by then Governor-General Michael Jeffery in September the same year. Michael Jeffery contacted my office before Christmas and spoke about Evan's graduation photos, which featured Michael Jeffery shaking Evan's hand. In 2007, Evan deployed with the SAS to the Middle East area of operations with 1 Squadron SASR, serving in Afghanistan and Iraq. Later in 2007, Evan deployed to Timor-Leste on Operation Astute.

A very brief summary of Trooper Donaldson's grievance is as follows: after becoming the victim of brutal sexual and other assaults, Evan was seriously injured during a secret training exercise run by the Defence Intelligence Organisation inside Australian territory, involving techniques outlawed under the international convention governing the use of torture. Trooper Donaldson carried on with his service despite physical and mental injuries sustained during resistance to interrogation activity. On return from his last overseas operation, 18 months later, Trooper Donaldson reported his symptoms to SASR Command. Sick leave was denied and he was forced to take leave without pay. Trooper Donaldson returned to service with special forces in 2009. On 9 July 2009, Trooper Donaldson's identity was illegally changed on the Commonwealth database. His qualifications had been fraudulently changed, denying his position and qualifications as an SAS Trooper. Further in my speech, I will seek to explain the details of these crimes more fully.

Trooper Evan Donaldson's grievances have been the subject of six, almost seven, years of official government investigations, including a 12-month Commonwealth Ombudsman's report, which recommended Trooper Donaldson's SAS qualification be restored. The Ombudsman said that in relation to Trooper Donaldson, Defence's administration had been 'defective'. A Defence Abuse Response Taskforce also found in Evan's favour and authorised a maximum payout of $50,000, after an official submission.

Since 2009, six consecutive Defence ministers must have been misled by their department, including the current Defence minister, Marise Payne, who oversaw a compensation offer to Evan, just before Christmas last year, of half a million dollars for defective administration. It was an offer that Evan was forced to decline because if he accepted it he would have effectively accepted a debt of $50,000 and a cover-up of criminal activities by members of the Australian Defence Force.

SAS Trooper Donaldson's legal and accounting bill alone, fighting the Australian government and freedom of information requests, amount to more than $350,000. Evan's tax bill from the compensation offer and moneys owed to the Department of Veterans' Affairs was estimated at $200,000. And if he had accepted Minister Payne's offer, the Turnbull Liberal government would have gotten away with theft. They would have avoided paying SAS Trooper Evan Donaldson for six-years worth of SAS Trooper's wages and entitlements, illegally withheld from him.
During the resistance to interrogation exercise, Evan was bashed, bound, bagged, blindfolded, stripped naked, placed in stress positions, deprived of sleep and food for 96 hours and during that time he was sexually assaulted and left bleeding—and we will not go into where. Evan has accessed FOI documents, which confirm that 15 hours of video footage exists which shows him naked, bound, hooded and suspended in a room with earphones fitted, and bleeding. The secret exercise he partook of, more than likely, was in breach of Australia's international obligations. Unlike sanctioned conduct after capture training exercises, the purpose of the exercise in 2006 was not to train SAS soldiers but was to prepare intelligence interrogators in anticipation of their deployment to Afghanistan in 2006.

Trooper Evan Donaldson has carried out meticulous research, has extensive documentary evidence and will present this as fact to the Australian Federal Police. On 9 July 2009, while serving in a full-time position with the 1st Commando Regiment with a small group of SAS soldiers, Evan Donaldson had his identity stolen when Warrant Officer William 'Bill' Maher oversaw the illegal changing of Evan’s identity on the Commonwealth database. The change resulted in Trooper Donaldson having his rank and employment category changed so it would appear that he was not qualified to serve in Special Forces. Bill Maher hoped to end Trooper Donaldson's career in Special Forces.

Warrant Officer William Maher, Major Brett Miller, Major Paul Turkington, Lieutenant Colonel Stuart Davies, Brigadier Mark Smethurst and Colonel John Patterson conspired in various ways to cover up the illegal change to Trooper Donaldson's identity. They would later become the source of a misinformation campaign to discredit Trooper Donaldson, claiming he was never qualified to serve in the SAS Regiment. The campaign was designed to discredit Trooper Donaldson's allegations of corruption against various high-ranking members of Special Operations Command. The information campaign would extend to the office of the Chief of Army, successive defence ministers, the media and the veteran community in an attempt to tarnish Trooper Donaldson's credibility. All of these men served in the SAS at the same time over a 30-year period. In 2009 they held various positions across the ADF and Special Operations Command. When Warrant Officer Maher needed their help to cover up his crimes, they were happy to oblige. As individuals and in small groups, these men forged documents, corroborated false statements, induced others to make false statements, engineered a mock investigation into Trooper Donaldson's complaint, and bullied and cajoled others to support their position and defame Trooper Donaldson.

Trooper Donaldson reports that Army Reserve psychologist Captain Caroline Greaves and the director of psychology at the Department of Defence, Geoffrey Gallas, falsified statements and reports to give the appearance that Trooper Donaldson was removed from his position for psychological reasons. When Trooper Donaldson made a formal complaint to the Australian Health Practitioner Regulation Agency, AHPRA, providing overwhelming evidence to support his claims, AHPRA refused to investigate both psychologists. Geoffrey Gallas was a member of the Psychology Board of Australia, which oversees complaints to AHPRA. Trooper Donaldson further reports that in 2013 he agitated the Chief of Army, David Morrison, for an explanation of the changing of his identity in 2009. Colonel Leigh Wilton of the Chief of Army's office produced a document which purports to prove that Trooper Donaldson authorised his own demotion. Trooper Donaldson returned the document to the Chief of Army along with his original document, claiming the document provided was a
forgery. The Chief of Army refused to pass on Evan's complaint to the appropriate authorities and instead induced Evan's commanders to rely upon it in order to justify the illegal change to Evan's identity. In a letter from General Morrison, Evan was told he would need to reapply for special forces and undertake all 17 months of SAS selection and training again. On 4 September 2013, Trooper Donaldson made a formal complaint to the Australian Federal Police detailing corruption allegations against David Morrison and others. The Australian Federal Police refused to investigate.

On 23 September 2013, Trooper Donaldson approached investigative journalist Hedley Thomas with his disclosures. Mr Thomas wrote to the Chief of Army seeking an explanation for the changes of Trooper Donaldson's rank and ECN. The Chief of Army responded through communications director Nishara Miles. Ms Miles ran a working group of Army officers and public relations consultants to formulate the Chief of Army's response. The response was designed to discredit Trooper Donaldson and in doing so quash his public interest disclosures of corruption inside Defence. The Australian Defence Force, through Ms Miles, knowingly released false and inaccurate information to Mr Thomas about Trooper Donaldson and his service history. The Australian Defence Force have refused to retract the document. In 2014 Nishara Miles was seconded to work for the Governor-General, Peter Cosgrove, and she is now back working for Defence.


Ten days later, while Trooper Donaldson was awaiting the minister's response, Lieutenant Colonel Garth Gould issued Trooper Donaldson a separation notice on trumped-up allegations of being AWOL, claiming that Trooper Donaldson had not provided effective service to the Australian Defence Force. Trooper Donaldson had 14 days to respond. On 19 March 2014 Trooper Donaldson received the minister's response. David Johnston directed Defence Legal to refer the matter to the Commonwealth Ombudsman to investigate allegations of fraud and Defence Legal's mishandling of Evan's claim for compensation. Madam Acting Deputy President, you will recall that I detailed at the beginning of my speech the outcome of that report, which recommended Trooper Donaldson's SAS qualification be restored. The Ombudsman said that in relation to Trooper Donaldson Defence's administration had been 'defective'.

You will also recall that I talked about some photos showing former Governor-General Michael Jeffery shaking hands and posing with Evan and other SAS graduates on their graduation day—which I placed in a YouTube video. Since the production and posting of that short film, I have had a phone call from Michael Jeffery on 18 December 2015. He was concerned about his photo appearing in my video and that it 'could infer that somehow I am one of those senior people that have been perhaps stopping due process et cetera, which of course I would strongly object as because that is simply not true'. I am deeply disappointed by Michael Jeffery. In the whole of our discussion, not once did he inquire after the health of Evan and his family or offer to help an SAS family who are nearly broke and have been put
through hell. I would have expected better of a man who is the current patron of the SAS resources trust.

Tonight my message to the Prime Minister is simple: I invite you to meet with veterans Evan Donaldson and Marcus Saltmarsh tomorrow during our scheduled meeting at 3.30. Hear from them firsthand about their pain and injustice. These men have faced death many times in the service of their country. They have earned and deserve respect. Pay SAS Trooper Evan Donaldson the wages and entitlements the Australian Government has stolen from him and his family, and pay his legal bills; together they total over $1 million.

I now turn to Marcus Saltmarsh's matters. As I mentioned at the start of this speech, Marcus Saltmarsh is the other young Australian veteran seated in the Senate public gallery beside SAS Trooper Donaldson, and supporting both of them is Frank Davies, Marcus's assistance dog. Marcus Saltmarsh is a former Army officer who I introduced to this Senate during my official first speech. Fellow senators may recall that at the time Marcus had just been discharged from the Australian Defence Force and, like Evan, he has been the subject of extraordinary abuse of office by senior members of the Australian Army.

Just to refresh your memory on the details surrounding Marcus Saltmarsh's matter, Marcus reached the rank of lieutenant in the Australian Army over about 18 years of service. He is a triple-act veteran, having served in East Timor, Iraq and Afghanistan.

During active service in East Timor with the Australian Army on 9 August 2000, Trooper Saltmarsh's Steyr rifle independently and without user manipulation discharged accidentally and killed his best mate, Corporal Stuart Jones. Following that tragic event, Mr Saltmarsh, on the recommendation of a military board of inquiry, was forced to face a military court martial, which charged him for military offences similar to those of a civilian manslaughter charge. Five hundred days after the death of his mate Corporal Stuart Jones, Mr Saltmarsh was exonerated by a military court martial with a finding of 'no case to answer'. Fifteen years later, those findings have never been made public.

Even after graduating as an officer from RMC and after a period of time away from the Army, Marcus says that abuse and harassment from all ranks dogged his whole military career. The worst example of abuse was when the Australian military, through the Judge Advocate General of the Australian Defence Force, Major General Ian Westwood, sent to Mr Saltmarsh, despite his request that they not be sent, 28 autopsy photos of his best mate, Corporal Stuart Jones, undergoing post mortem medical procedures.

I have photocopies of these autopsy photos. After my own investigation and inquiries, I am of the view that it was a deliberate attempt to push Marcus into taking his own life. I raised the matter recently in a meeting with the new Minister for Veterans' Affairs, Stuart Robert, who quickly stated that Marcus was a liar and had never been sent the autopsy photos. He was either badly misinformed or deliberately trying to mislead me. Naturally Minister Robert was surprised when I told him he was wrong because I had copies of the autopsy photos and had just shown them to Prime Minister Turnbull. As a matter of fact, I have those photos in my possession this evening.

The cover-up in this matter has been at a very high level, spectacular and absolutely deliberate. The government conceded in a reply to my question placed on notice at the budget estimates hearings of 1 and 2 June 2015—No. 36:
… it was unlikely that he—

Mr Saltmarsh—

had been shown autopsy photos at his trial, as his defending officer and Colonel Pearce—

the prosecutor—

had made a conscious effort to keep graphic photographs out of the court.

This answer directly contradicts a lie which had been spread previously by senior officers of the Australian Defence Force—including our new Australian of the Year, retired Chief of Army General Morrison—that Mr Saltmarsh had received the autopsy photos from his defence counsel or at his trial. On that point alone, Mr Morrison should resign from his Australian of the Year position, let alone the involvement he has had in SAS Trooper Donaldson’s matters and his appalling advocacy for ordinary diggers and veterans.

In response to my direct question on notice on 2 June 2015 to Vice Admiral Griggs, Chief of Navy, on whether Major General Westwood denied sending the autopsy photos to Mr Saltmarsh, Vice Admiral Griggs would not and could not give me a written guarantee that Major General Westwood did not send those photos. The best Vice Admiral Griggs could do was to say:

… Major General Westwood has no recollection of being requested to provide the photographs or any such information after the Court Martial and Board of Inquiry process, nor does he have any recollection or record of having done so.

This government has kept Major General Westwood from attending any Senate Defence committee hearings, so I have been prevented from questioning him under oath about his written responses provided to Vice Admiral Griggs and his knowledge of this matter. Tonight I demand that the government allow Major General Westwood to appear under oath and answer questions about the autopsy photos which were sent to Mr Saltmarsh.

One thing is for certain: Mr Saltmarsh did not break into Defence headquarters and steal these photos. They were deliberately delivered to Mr Saltmarsh by the Australian Army, and I want to know who is responsible for this malicious act and abuse of office.

Implicated in this crime is Liberal politician and ex-Minister for Veterans’ Affairs Billson. With regard to former minister Bruce Billson, I have sighted a copy of official documentation, an instrument of authorisation, regulations 63 and 78 of the Defence (Inquiry) Regulations, where on 10 October 2006 the then Minister for Veterans’ Affairs, Bruce Billson, authorised the release of documents to Mr Marcus Saltmarsh from:


Imagine being ambushed with 28 graphic photos of your best mate's autopsy. They flash in your mind on high rotation for the last 10 years while your career and life spiral out of control. He never knew why until he rediscovered them while looking through those documents for me. Action must happen very quickly for Mr Saltmarsh. Award him an immediate classification of total permanent impairment for his accepted VEA claim of PTSD. Agree immediately to mediation and fair lump sum payout, which will try to compensate him for the deliberate exposure to images which cost him his military career.

My final point is this. General Morrison the former Chief of Army was aware of the attack by his department on Mr Saltmarsh. Mr Saltmarsh would like him, out of respect, to answer
these two questions. Firstly, is it acceptable to send autopsy photos of a dead Australian soldier to his best mate? Secondly, is the standard that you walk past the standard that you accept?

Henry, Ms Margaret
New South Wales: Rail Infrastructure
Donations to Political Parties

Senator RHIANNON (New South Wales) (21:43): Margaret Henry, a wonderful community activist, sadly died in September last year. Margaret was a Newcastle transport and heritage advocate, a former Newcastle university history lecturer, a Greens councillor, an activist on big and small issues across five decades and a dedicated mother and grandmother.

Margaret's community activism kicked off in 1965, when she started Newcastle's—and possibly Australia's—first play centre. Fifty years later, in 2015, Margaret was still campaigning. She organised a protest picket line for Save Our Rail at Hamilton Street. Save Our Rail was a campaign that she helped initiate. She was one of the founding members in 1992, when that all-important organisation kicked off. It was successful from 1992 to 2015, when the O'Farrell government then started pulling up the rail line, which had been a policy at times of Labor, Liberals and Nationals. It was the Liberals and Nationals that put it into place. And Margaret fought it all the way along.

Like many dedicated Greens members, she started political life in the Labor Party. She joined in 1968. In 1980 she joined the National Trust and started decades of campaigning to save Newcastle heritage. She formed the Citizens Earthquake Action Group after the 1989 earthquake. One of the many famous—and entertaining, I have to say—stories shared among friends when Margaret died describes Margaret standing on a pile of rubble in the days after that earthquake. There she was, urging Novocastrians to think before destroying. What she had identified was that there were unscrupulous developers out to use this earthquake as cover to pull down some very unique heritage buildings—buildings that were able to be saved easily.

Professor Peter Hempenstall of the School of Humanities and Social Science at Newcastle university has made some moving comments about Margaret's years as an academic. He said: Margaret taught two generations of staff how to allow student voices to be heard and to coax them into independent thinking, even if it came out uninformed.

He went on to say:

The university today rightly boasts about its equity and transition programmes – Margaret Henry was one of its flagship operators decades ago, in the 1970s and 1980s …

Margaret was so enthusiastic and so hardworking; always with a vision and really ahead of her time in so many ways. It was an absolute pleasure to know her.

Margaret Henry left the ALP in 1988 and a few years after that she joined the Newcastle Greens, running as a candidate in a number of elections. She served two terms on Newcastle council and was also a deputy mayor twice. As a councillor, Margaret involved herself in a wide range of committees and board work. She campaigned often on less popular issues, such as disability access, homelessness and migrant and refugee services. She also worked, in terms of her council work, on public art, library services and the art gallery, and on her great
love, heritage. Another great love was campaigning for Aboriginal issues, in this case on
council for an Aboriginal affairs officer and the establishment of the Indigenous Guraki
committee. Margaret's work was so extensive. It was one of the things that I learnt with
Margaret: when I was heading into Newcastle you could get a brief from Margaret about what
the current issues were.

The final word does go to her loving partner, Keith Parsons. He said:

It is hard to imagine a Newcastle without her.

Margaret was a wonderful, generous and courageous woman. It was my pleasure to know
Margaret, and my condolences go to her partner, her children and her grandchildren.

The New South Wales Premier, Mike Baird, is waging a war on trees—quite literally, a
war on trees. It is extremely destructive, occasioning great hurt, and right now he is not
stopping. In one suburb, Randwick, along Anzac Parade, 400 trees are being turned into
woodchips. These are beautiful trees—trees that are habitat to an amazing array of birds,
possums and an incredible number of insects. The biodiversity is considerable. Many of these
trees are now being destroyed by 'Mike Baird's chainsaw massacre'. That is what the locals
are calling it and that is what the supporters of the local residents, who have worked so hard
to protect these trees, are saying about what is happening.

This is another ugly side of what sometimes goes down in Sydney. It did not end with the
corrupt activities that we heard about in ICAC during the latter years of the former Labor
government. There are still a lot of dodgy deals going on. Maybe they are not illegal, but I
would certainly argue that they are very immoral. What we have here is this ugly Sydney
story of compromised politicians, corporate greed and, in this case, the all-too-powerful
Australian Turf Club.

These trees are being cut down for a new light rail service. Now, we should not
have a competition between the trees and the light rail—there is no need at all. The light rail could
easily be built on the other side of the road, right beside the Randwick racecourse, where so
many of these people will be going who will use this light rail service. But the reason appears
to have more to do with the Baird government spending public money to save ALTRAC, who
are the owners of the light rail, some money in their construction costs. If that is not the
reason then the Baird government should come out and explain why in 2015, when people
know the value of these trees and when people are so passionate about this, they would cut
them down and cause so much devastation.

I do congratulate the many residents, supporters and environment groups that have rallied
in such numbers to try to save these trees. Allison Road resident Louise Boronyak-Vasco and
five others tied themselves to one of the trees slated for destruction. Jeff Angel, long-time
director of the Total Environment Centre, which has done outstanding environmental work in
New South Wales over many decades, was one of hundreds of people who have rallied to
save these trees.

Imagine that the Premier were standing here and what he would be saying. He would be
saying, 'Everything's okay. We're going to plant more trees.' They are even going as far as
saying, 'We'll plant eight more trees for every one that is cut down.' Planting eight saplings
does not take the place of one grand, big fig tree that is home to so many unique creatures.
There is just no comparison. Yes, we need more trees—we know that. But you do not cut down this great beauty—these beautiful trees that line Anzac Parade.

Understandably, passions have been, and are, running high where these beautiful, living, breathing creatures are being killed. One person likened it to me as 400 ghosts—he said, 'It will be like 400 ghosts tracking Mr Baird right through to the next election.' This area is in Turnbull country, and a lot of the frustration has been with the Prime Minister. People know that he does not have the final responsibility for how this light rail operation is going to occur, but what they do know is that Mr Turnbull is in the same party as Mr Baird and that they are political allies—why can he not represent his constituents, pick up the phone and actually make representations for them?

So I would like to share with you a letter that Josie McSkimming from Coogee wrote to The Sydney Morning Herald. It sums up the despair and the anger that so many people are feeling, and it is not going away:

My despair and frustration is increased by the impotence in being able to do nothing about it. Emails to politicians, submissions to the light rail authority—nothing.

A desperate phone call to Prime Minister Malcolm Turnbull's office (he is the federal member responsible) met a very terse and brusque response: "It's a state matter," I was told in no uncertain terms.

Turnbull and his people do not want to know about it. I've tried what an ordinary citizen can, but to no avail against the vested interests of those horse racing fraternity and their planned hotel and the complete intransigence of the government.

If you voted for Mike Baird, take note. I will never vote for this government again.

Josie McSkimming Coogee

This issue is not going away. The trees probably will all eventually be cut down. When you drive down Anzac Parade—which many of you who do not come from Sydney probably do when you come to the airport and drive around Sydney—you see it is a beautiful parade. The destruction is extreme. It is unnecessary and reminds us how extensively we need to organise to stop this war on trees. It is not just occurring in our cities. It is not just occurring at Randwick. It is right across the state because of the way the New South Wales government has changed the law.

It is time to end the farce of 1 February, which is the Australian Electoral Commission political donation disclosure day. I am not blaming the AEC. It is the law that is an ass when it comes to how our political donations are disclosed. This is not a day of transparency; it is actually a day when we are reminded how urgently we need electoral funding reform.

It really is a farce. If you were given a donation on 1 July 2014, it would have been disclosed yesterday, 19 months later. That is not transparency. We understand many people—possibly the majority of donations—come in under $13,000. Thanks to the law change under former Prime Minister John Howard, none of those donations have to be fully disclosed. I think it was Mr Ruddock, a Liberal MP in the lower house, who said it is a matter of privacy. 'These people have a right to give their money, and their details shouldn't be disclosed.' Again, it is a way to cover it up. Now, come 1 February, the cover-up is extreme. It is not a day of transparency at all.
We do need that reform in detail. Australia's arcane reporting rules and methods disguise millions of dollars which influence political parties and, I would argue, do interfere with the democratic process. Here are just a few examples of the lack of transparency. Buried on page 37 of Labor's disclosure is a payment of $110,000 from Woodside Energy. If you actually search for this as a donation on the AEC's website, it will not appear. Maybe you do not think that is surprising—I have already said transparency comes a poor second in this case—but you would think that, on 1 February, if it is about political donations, you would be able to find it. But the ALP have come up with a new category, which they are able to do. They are calling this a subscription, not a donation.

What sort of subscription costs $110,000? But it was not just Woodside Energy, which was listed as a $110,000 subscription. There were many others. I will just name a few. Clubs New South Wales apparently paid the ALP a subscription of $66,000. Santos paid a subscription of $27,500. Coca-Cola Amatil paid $27,500. What is the purpose? Why were these titles used?

I think one of the best ways to analyse this data is by looking at it in terms of the very important October High Court case on political donations that came down last year. This was a High Court case that came about from some of the scandals that ran amuck in New South Wales. I have spoken about it before and again urge Senators to look at it. This High Court case describes two forms of corruption in terms of how political donations are given. One they called quid pro quo corruption, the other the more subtle kind of corruption known as clientelism. On the quid pro quo corruption I will share with you a stand-out example of how they described that. This is a summary of what they said, not their description. It is where money is handed over for a very specific outcome to approve a specific development, maybe ignore an illegal betting syndicate, release a well-connected mate or help dodge an unfavourable environmental assessment.

Here is a donation. The owner of the Iwasaki resort, which is a proposed $600 million expansion of the Mercure Capricorn Resort Yeppoon, gave $55,000 to the Queensland LNP. Around the same time, they were waiting for the federal Department of the Environment to assess any national environmental impacts. Again, they do not know if there is any connection, but you can certainly understand why people become very cynical about how this works. And maybe it is an example of quid pro quo corruption.

As I mentioned, the other form of corruption that the High Court spoke about is a more subtle kind of corruption known as clientelism. This is how the High Court describes it. It is where:

... office holders will decide issues not on the merits or desires of constituents, but according to the wishes of those that have made large financial contributions valued by the office holder ...

I think this is where you do see the value of 1 February data. It is very frustrating that it comes in so late and you certainly do not know about it before elections, but we do get some data here, and I think this is where you can join the dots with what the High Court is saying.

Let's look at some of the trends in the donations. The property and construction industry gave about $1.5 million. Remember we are just talking about the financial year 2014-2015. Roslyn Packer donated $100,000 to the federal Liberal Party. Santos Ltd donated just over $82,000 to federal Labor and just over $48,000 to the federal Liberals. The Australian Hotels Association is always a good regular. You can rely on them, usually for big donations: $180,000 to the Liberal Party and $150,000 to the ALP. Village Roadshow donated $176,000.
to the Liberals, $12,800 to Labor and the trend goes on. You might ask: what is the connection? I talked about a more subtle kind of corruption. I would argue the standout example here is developer donations but we also see the same trend with the gambling industry, with the mining industry and with the alcohol industry where we have seen the weakening of laws that put restrictions on those industries to some extent. A weakening of the laws means those companies make more profits. The examples are there and we can document them very clearly.

It is time for electoral reform. It is certainly time to end the farce of February 1. It is not a day of transparency. We need to get the disclosure bar down to $1,000. We need to have real-time or near real-time disclosure so the public know where the money is coming from, and those reforms should be in place before the coming in election. But we also need to go further. We need to put limits on the millions of dollars that are coming into the whole political game, particularly coming into an election. I find those millions of dollars make that public deeply cynical. They do not want more attack ads on the television. They do not want more colour glossy leaflets shoved in their letterbox. I do believe we could restore confidence in how we operate and how the whole political process operates if there was less money sloshing around come election time and we had some real debate about our election platforms—that would be healthier.

So we need tight caps on political donations. The Greens would argue we need an end to for-profit corporate donations but we certainly need strict caps on election expenditure. Those measures, with transparency changes that really tighten up the current process and make it accessible for the public to learn where the money comes from and where it is going, would go a long way towards making Australia's democracy much more healthy.

Senate adjourned at 22:02

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

A New Tax System (Family Assistance) Act 1999—
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Tabling

The following documents were tabled pursuant to standing order 61(1) (b):

Documents presented since the last sitting of the Senate, pursuant to standing order 166, were authorised for publication on the dates indicated

Aboriginal Hostels Limited—Report for 2014-15. [Received 19 January 2016]
Animal welfare—Puppy farms—Letters to the President of the Senate responding to the resolution of the Senate of 30 November 2015 from—
New South Wales Minister for Primary Industries (Mr Blair), dated 22 January 2016.
Northern Territory Minister for Primary Industry and Fisheries (Mr Westra van Holthe), dated 30 December 2015.
Queensland Minister for Agriculture and Fisheries (Ms Donaldson), dated 16 December 2015.
Tasmanian Minister for Primary Industries and Water (Mr Rockliff), dated 4 January 2016.
Asbestos Safety and Eradication Agency—Report for 2014-15. [Received 17 December 2015]
Auditor-General—Audit reports for 2015-16—
No. 12—Performance audit—Administration of the Child Dental Benefits Schedule: Department of Health; Department of Human Services.
No. 13—Performance audit—Managing compliance with visa conditions: Department of Immigration and Border Protection. [Received 10 December 2015]
No. 14—Performance audit—Approval and administration of Commonwealth funding for the East West Link Project: Across entities. [Received 14 December 2015]
No. 15—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2015—
Corrigendum. [Received 18 December 2015]
Report. [Received 17 December 2015]
No. 16—Assurance report—2014–15 major projects report: Department of Defence. [Received 15 January 2016]
No. 17—Performance audit—Design and implementation of the first funding round of the Bridges Renewal Programme: Department of Infrastructure and Regional Development. [Received 20 January 2016]
No. 18—Performance audit—Qualifying for the Disability Support Pension: Department of Social Services; Department of Human Services. [Received 21 January 2016]
Australian Grape and Wine Authority—Report for 2014-15. [Received 15 January 2016]


Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2015. [Received 15 January 2016]

Community Affairs References Committee—
Grandparents who take primary responsibility for raising their grandchildren—
Letter to the President of the Senate from the Minister for Social Services (Mr Porter), dated 15 January 2016, responding to the resolution of the Senate of 24 November 2015.
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Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services—Report—Government response, dated December 2015. [Received 15 January 2016]


Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2015. [Received 21 December 2015]

Department of Finance—

Consolidated financial statements for the year ended 30 June 2015. [Received 11 December 2015]

Department of the Senate—Register of Senate senior executive officers’ interests incorporating statements of registrable interests and notifications of alterations of interests of Senate senior executive officers lodged between 25 June and 1 December 2015, dated December 2015.

Departmental and agency appointments and vacancies—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Agriculture and Water Resources portfolio. [Received 29 January 2016]
Communications portfolio. [Received 29 January 2016]
Finance portfolio. [Received 29 January 2016]
Immigration and Border Protection portfolio. [Received 29 January 2016]
Infrastructure and Regional Development portfolio. [Received 1 February 2016]
Office for Women. [Received 29 January 2016]
Treasury portfolio. [Received 1 February 2016]

Departmental and agency grants—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Communications portfolio. [Received 29 January 2016]
Department of Agriculture and Water Resources [2]. [Received 29 January 2016]
Department of Infrastructure and Regional Development. [Received 1 February 2016]
Employment portfolio. [Received 1 February 2016]
Environment portfolio. [Received 29 January 2016]
Finance portfolio. [Received 29 January 2016]
Immigration and Border Protection portfolio. [Received 29 January 2016]
Office for Women. [Received 29 January 2016]
Treasurer portfolio. [Received 1 February 2016]
Estimates hearings—Unanswered questions on notice—Budget (supplementary) estimates 2015-16—Statements pursuant to the order of the Senate of 25 June 2014—
Attorney-General's portfolio. [Received 29 January 2016]
Australian Public Service Commission. [Received 1 February 2016]
Australian Trade Commission. [Received 29 January and 1 February 2016]
Communications portfolio. [Received 29 January 2016]
Defence Housing Australia. [Received 1 February 2016]
Department of Defence. [Received 29 January 2016]
Department of Social Services. [Received 1 February 2016]
Department of the Prime Minister and Cabinet. [Received 29 January 2016]
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Education and Training portfolio. [Received 29 January 2016]
Employment portfolio. [Received 15 January 2016]
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Tourism Australia. [Received 1 February 2016]
Treasurer portfolio. [Received 29 January 2016]
Fisheries Research and Development Corporation (FRDC)—Report for 2014-15. [Received 18 December 2015]
Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2015. [Received 21 January 2016]
Grains Research and Development Corporation (GRDC)—Report for 2014-15. [Received 17 December 2015]
High Court of Australia—Report for 2014-15. [Received 11 December 2015]
Indigenous Australians—Imprisonment rates—Letters to the President of the Senate responding to the resolution of the Senate of 2 December 2015 from—

Acting Chief of Staff to the South Australian Minister for Aboriginal Affairs and Reconciliation (Ms Marsden), dated 23 December 2015.

Western Australian Minister for Aboriginal Affairs (Mr Collier), dated 23 December 2015.

Institutional Responses to Child Sexual Abuse—Royal Commission—Reports of case studies—

No. 13—The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton, dated November 2015. [Received 11 December 2015]

No. 15—Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches, dated November 2015. [Received 14 December 2015]

No. 19—The response of the State of New South Wales to child sexual abuse at Bethcar Children’s Home in Brewarrina, New South Wales, dated November 2015. [Received 15 December 2015]

No. 20—The response of The Hutchins School and the Anglican Diocese of Tasmania, dated November 2015. [Received 16 December 2015]

Murray-Darling Basin Authority—Report for 2014-15. [Received 17 December 2015]

National Capital Authority—Report for 2014-15. [Received 15 January 2016]

Odgers’ Australian Senate Practice—13th edition (Supplement)—Updates to 31 December 2015.

Official visit to Singapore and Malaysia—Report on the visit by the President of the Senate, 6 to 12 March 2015.

Official visit to the Republic of Korea—Report on the visit by the President of the Senate, 30 June to 6 July 2015.

Productivity Commission—Reports—

No. 75—Business set-up, transfer and closure, dated 30 September 2015. [Received 7 December 2015]

No. 76—Workplace relations framework (2 volumes), dated 30 November 2015. [Received 21 December 2015]

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—

Interim report—Government response, dated September 2015. [Received 15 January 2016]

Taking responsibility: conditions and circumstances at Australia’s regional processing centre in Nauru—Report—Government response. [Received 15 January 2016]


Tax expenditures statement 2015, dated January 2016. [Received 29 January 2016]

Trade Union Governance and Corruption—Royal Commission—Final report of Royal Commissioner the Hon. John Dyson Heydon AC QC (5 volumes), dated December 2015. [Received 30 December 2015]

Transport—Taxi and ride-sharing services—Letter to the President of the Senate from the Minister for Infrastructure and Regional Development (Mr Truss), dated 21 December 2015, responding to the resolution of the Senate of 13 October 2015.

Treaties—

Bilateral—Text, together with national interest analysis—

Amendment 1 to Revision 1 of the Implementation Procedures for Airworthiness Covering Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities, under the Agreement on the Promotion of Aviation Safety and Addendum to the Implementation Procedures for Airworthiness between the Government of Australia and the Government of the United States of America.

*Multilateral*—Text, together with national interest analysis—


Wet Tropics Management Authority—

Report for 2014-15. [Received 21 January 2016]

State of Wet Tropics—Report for 2014-15. [Received 21 January 2016]

*Orders for production of documents—Documents:* The following documents received on the dates indicated were tabled:

Administration—Gosford waterfront—Building contracts—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 3 December 2015, responding to the order of the Senate of 26 November 2015 and raising a public interest immunity claim, and attachments. [Received 4 December 2015]

Family and Community Services—Childcare Assistance Package—Letter to the President of the Senate from the Minister for Education and Training (Senator Birmingham), dated 8 December 2015, responding to the order of the Senate of 2 December 2015. [Received 8 December 2015]

**Tabling**

The following documents were tabled by the Clerk pursuant to order:

Departmental and agency appointments and vacancies—Additional estimates 2015 16—Letter of advice pursuant to the order of the Senate of 24 June 2008—Social Services portfolio.

Departmental and agency grants—Additional estimates 2015-16—Letters of advice pursuant to the order of the Senate of 24 June 2008—
Department of Education and Training.
Foreign Affairs and Trade portfolio.
Social Services portfolio.

Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16 (Supplementary)—Statement pursuant to the order of the Senate of 25 June 2014—Department of Human Services.

Tabling

The following documents were tabled pursuant to standing order 61(1)(b):

**DOCUMENTS PRESENTED OUT OF SITTING SINCE 3 DECEMBER 2015** Government documents (pursuant to Senate standing order 166)

29 Productivity Commission—Report no. 75—Business set-up, transfer and closure, dated 30 September 2015. [Received 7 December 2015]

30 Consolidated financial statements for the year ended 30 June 2015. [Received 11 December 2015]

31 High Court of Australia—Report for 2014–15. [Received 11 December 2015]

32 Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 13—The response of the Marist Brothers to allegations of child sexual abuse against Brothers Kostka Chute and Gregory Sutton, dated November 2015. [Received 11 December 2015]

33 Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 15—Response of swimming institutions, the Queensland and NSW Offices of the DPP and the Queensland Commission for Children and Young People and Child Guardian to allegations of child sexual abuse by swimming coaches, dated November 2015. [Received 14 December 2015]

34 Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 19—The response of the State of New South Wales to child sexual abuse at Bethcar Children’s Home in Brewarrina, New South Wales, dated November 2015. [Received 15 December 2015]

35 Institutional Responses to Child Sexual Abuse—Royal Commission—Report of case study no. 20—The response of The Hutchins School and the Anglican Diocese of Tasmania, dated November 2015. [Received 16 December 2015]

36 Asbestos Safety and Eradication Agency—Report for 2014-15. [Received 17 December 2015]

37 Grains Research and Development Corporation (GRDC)—Report for 2014-15. [Received 17 December 2015]

38 Murray-Darling Basin Authority—Report for 2014-15. [Received 17 December 2015]

39 Fisheries Research and Development Corporation (FRDC)—Report for 2014-15. [Received 18 December 2015]

40 Productivity Commission—Report no. 76—Workplace relations framework, dated 30 November 2015 (2 volumes). [Received 21 December 2015]

41 Department of Defence—Special purpose flights—Schedule for the period 1 January to 30 June 2015. [Received 21 December 2015]

42 Trade Union Governance and Corruption—Royal Commission—Final report, dated December 2015 (5 volumes). [Received 30 December 2015]

43 Australian Grape and Wine Authority—Report for 2014-15. [Received 15 January 2016]

44 Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 July to 30 September 2015. [Received 15 January 2016]

45 National Capital Authority—Report for 2014-15. [Received 15 January 2016]
46 Aboriginal Hostels Limited—Report for 2014-15. [Received 19 January 2016]
47 Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2015. [Received 21 January 2016]
48 Wet Tropics Management Authority—
State of Wet Tropics—Report for 2014-15. [Received 21 January 2016]
49 Tax expenditures statement 2015, dated January 2016. [Received 29 January 2016]
50 Auditor-General—Audit report no. 13 of 2015–16—Performance audit—Managing Compliance with Visa Conditions: Department of Immigration and Border Protection. [Certified 10 December 2015]
51 Auditor-General—Audit report no. 14 of 2015–16—Performance audit—Approval and administration of Commonwealth funding for the East West Link project: Across entities. [Certified 14 December 2015]
52 Auditor-General—Audit report no. 15 of 2015–16—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2015. [Certified 17 December 2015]
53 Auditor-General—Audit report no. 15 of 2015–16—Financial statement audit—Audits of the financial statements of Australian Government entities for the period ended 30 June 2015—Corrigendum. [Certified 18 December 2015]
56 Auditor-General—Audit report no. 17 of 2015–16—Performance audit—Design and Implementation of the First Funding Round of the Bridges Renewal Programme: Department of Infrastructure and Regional Development. [Certified 20 January 2016]
57 Auditor-General—Audit report no. 18 of 2015–16—Performance audit—Qualifying for the Disability Support Pension: Department of Social Services; Department of Human Services. [Certified 21 January 2016]

Return to order (pursuant to Senate standing order 166)

58 Administration—Gosford waterfront—Building contracts—Letter to the President of the Senate from the Minister for Finance (Senator Cormann), dated 3 December 2015, responding to the order of the Senate of 26 November 2015 and raising a public interest immunity claim, and attachments. [Received 4 December 2015]
59 Family and Community Services—Childcare Assistance Package—Letter to the President of the Senate from the Minister for Education and Training (Senator Birmingham), dated 8 December 2015, responding to the order of the Senate of 2 December 2015. [Received 8 December 2015]

Statements of compliance with Senate orders (pursuant to Senate standing order 166)

60 List of departmental and agency appointments and vacancies (continuing order of the Senate of 24 June 2008, as amended)

Department of Agriculture and Water Resources. [Received 29 January 2016] Communications portfolio. [Received 29 January 2016]

Finance portfolio. [Received 29 January 2016]
Immigration and Border Protection portfolio. [Received 29 January 2016] Infrastructure and Regional Development portfolio. [Received 1 February 2016] Office for Women. [Received 29 January 2016] Treasury portfolio. [Received 1 February 2016]

61 Lists of departmental and agency grants (continuing order of the Senate of 24 June 2008)
Communications portfolio. [Received 29 January 2016]
Department of Agriculture and Water Resources. [2] [Received 29 January 2016]
Department of Infrastructure and Regional Development. [Received 1 February 2016]
Employment portfolio. [Received 1 February 2016]
Environment portfolio. [Received 29 January 2016]
Finance portfolio. [Received 29 January 2016]
Immigration and Border Protection portfolio. [Received 29 January 2016]
Office for Women. [Received 29 January 2016]
Treasury portfolio. [Received 1 February 2016]

62 Statements of departmental and agency unanswered estimates questions on notice (continuing order of the Senate of 25 June 2014)
Attorney-General’s portfolio. [Received 29 January 2016]
Australian Public Service Commission. [Received 1 February 2016]
Australian Trade Commission. [2] [Received 29 January 2016 and 1 February 2016]
Communications portfolio. [Received 29 January 2016]
Defence Housing Australia. [Received 1 February 2016]
Department of Defence. [Received 29 January 2016]
Department of Education and Training. [Received 29 January 2016]
Department of Social Services. [Received 1 February 2016]
Department of the Prime Minister and Cabinet. [Received 29 January 2016]
Department of Veterans' Affairs. [Received 27 January 2016]
Employment portfolio. [Received 15 January 2016]
Health portfolio. [Received 29 January 2016]
Infrastructure and Regional Development portfolio. [Received 1 February 2016]
Immigration and Border Protection portfolio. [Received 15 January 2016]
Office of National Assessments. [Received 29 January 2016]
Special Minister of State. [Received 29 January 2016]
Tourism Australia. [Received 1 February 2016]
Treasury portfolio. [Received 29 January 2016]

COMMITTEE REPORTS AND GOVERNMENT RESPONSES TO PARLIAMENTARY COMMITTEE REPORTS PRESENTED OUT OF SITTING SINCE 3 DECEMBER 2015
[reports and responses will be recorded in the Journals of the Senate and available for consideration on Tuesday under standing order 62(4)]

Committee reports (pursuant to Senate standing order 38 (7))

63 Public Accounts and Audit—Joint Statutory Committee—452nd report—Review of Auditor-General’s reports nos 24 to 50 (2014-15): Natural disaster recovery, Centrelink telephone services and Safer Streets program, dated December 2015. [Received 7 December 2015]
64 Legal and Constitutional Affairs References Committee—Report—Impact of the 2014 and 2015 Commonwealth Budget decisions on the arts—Corrigendum. [Received 14 December 2015]

65 Economics References Committee—Forestry managed investment schemes—Interim report, dated 15 December 2015. [Received 16 December 2015]

66 Economics References Committee—Interest rates and informed choice in the Australian credit card market—Report, dated December 2015, Hansard record of proceedings, additional information and submissions. [Received 16 December 2015]

67 Public Accounts and Audit—Joint Statutory Committee—453rd report—Development of the Commonwealth Performance Framework, dated December 2015. [Received 18 December 2015]

68 Education and Employment References Committee—Access to real learning: the impact of policy, funding and culture on students with disability—Report, dated January 2016, Hansard record of proceedings, additional information and submissions. [Received 15 January 2016]

69 Economics References Committee—Implications of financial advice reforms—Interim report, dated 1 February 2016. [Received 1 February 2016]

Government responses to parliamentary committee reports (pursuant to Senate standing order 166)

Australian Government Response to the Senate Community Affairs References Committee Report:

Grandparents who take Primary Responsibility for Raising their Grandchildren

Foreword

On Monday 9 December 2013, the Senate referred the matter of grandparents who take primary responsibility for raising their grandchildren to the Community Affairs References Committee (the Committee) for inquiry and report.

On 29 October 2014, the Final Report (the Report) of the Committee's Inquiry into Grandparents who take Primary Responsibility for Raising their Grandchildren (the Inquiry) was tabled in Parliament.

The Australian Government welcomes the Report and the Committee's recommendations.

The wellbeing of children is important to all Australians and essential for the future of the nation. It is therefore important for governments at all levels to support families to raise their children, including non-parent carers such as grandparents.

The Australian Government notes the key findings of the Report and acknowledges the important role played by grandparents who take primary responsibility for raising their grandchildren, and the challenges frequently associated with this caring role.

As the Report highlights, this is a complex issue and there are no overnight solutions. Moving forward, the Australian Government remains committed to supporting grandparent carers by offering a range of financial and non-financial services and supports where possible. In addition, the Australian Government will continue to monitor these services and supports to ensure that they are efficient, effective and appropriately targeted to give children the best start in life and provide these carers with the support they need.

This document represents the Australian Government's response to the recommendations of the Inquiry.

The Australian Government considers that a large number of the recommendations made by the Committee are already being addressed, either directly or indirectly, by existing financial and non-financial supports and services. Governments at all levels may, however, need to improve existing information resources and channels to ensure grandparent carers are more aware of these supports and services.
Where recommendations are specifically directed at the state and territory governments, or at whole-of-government, the Australian Government is keen to work with jurisdictions as appropriate to achieve better outcomes for Australia's children and their carers.

**Responses**

**Recommendation 1**

The committee recommends that:

- the Department of Social Services and the Department of Human Services initiate a comprehensive review of support provided to grandparents raising grandchildren. As part of the review:
  - the Department of Human Services establish a sub-committee within the Older Australian Working Group to enable ongoing engagement with grandparents raising grandchildren;
  - the Department of Human Services puts in place and maintains processes to more accurately collect and review data received from the Grandparent Adviser 1800 telephone number;
  - the Department of Social Services' Children's and Families Secretaries' Group, as the primary platform for jurisdictions to collaborate on innovative approaches to child and family issues, makes grandparents raising grandchildren a priority topic for discussion at a meeting to be specifically convened to address this issue or at its next meeting; and
  - the Department of Social Services' Children's and Families Secretaries' Group, using an appropriate model, undertake a trial programme that makes available to grandparents vouchers to assist meeting the cost of educational tutorial expenses, including the cost of ICT training for grandparents raising teenage grandchildren.

The Australian Government supports this recommendation in part.

The Department of Social Services (DSS) and the Department of Human Services (DHS) are working collaboratively to address and progress the issue of grandparents raising their grandchildren.

The Older Australians Working Group is an external stakeholder group supported by the DHS, which seeks views from Older Australians advocacy groups on current service delivery arrangements. The Working Group is convened on a biannual basis. At its June 2015 meeting, the DSS and DHS discussed the Report's recommendations with attendees and examined the feasibility of establishing a grandparent carer focussed sub-committee within the Working Group. Given the broad interest in the topic from all attendees, it was agreed that a sub-committee was not required, but that the role and needs of grandparent carers would be a standing agenda item for the Working Group in the immediate future.

Since October 2014, DHS has been collecting quantitative call data received through its grandparent's line, which is supplemented by manual qualitative data collected by the Grandparent Adviser staff. DHS is now looking at ways to utilise these data to help identify the purpose of grandparent carers' calls, identify service gaps, and to better position the department's service delivery strategy for this customer group. The data will also be used by DHS and DSS to assist with the evaluation of the trial expansion of the Grandparent Adviser programme, which is discussed in more detail under Recommendation 3.

The issue of grandparents raising their grandchildren was also discussed as a priority topic at the Children and Families Secretaries Group (CAFS) meeting on 29 April 2015. CAFS members agreed to the establishment of an Out-of-Home Care (OoHC) Working Group that will examine this issue and relevant recommendations made in the Inquiry in addition to other matters of relevance to OoHC.

In relation to supporting grandparent carers with the costs of educational tutorial expenses, including for ICT training, the Australian Government notes that existing services and supports such as the Broadband for Seniors programme are already available to help meet this need. The Broadband for Seniors programme provides older Australians with free access to computers, internet and basic training.

**Recommendation 2**
The committee recommends that the Department of Human Services investigate means of identifying kinship care arrangements in applications for Commonwealth benefits, with a view to better identifying grandparent-headed families to whom financial support(s) should be provided, subject to any eligibility criteria.

The Australian Government supports this recommendation in principle, and notes that since 2011, the Department of Human Services (DHS) has collected quantitative data for grandparent carers who are in receipt of Family Tax Benefit (FTB). It is also noted that there are limitations to these data, as they rely on self-identification by grandparent carers. In addition, and as noted within the Report, some grandparent carers do not claim family assistance payments from the department due to complex and sensitive relationships with their own children.

Noting these limitations, DHS will continue to encourage grandparent carers to identify as such, and to claim the payments and services to which they are entitled. It is an important part of the role of Grandparent Advisers to promote these payments and services, and to facilitate seamless access to them by grandparent carers.

**Recommendation 3**

The committee recommends that the Department of Human Services review the number and geographical allocation of grandparent advisor positions, with a view to ensuring:

- that needs are being met in high-demand service areas;
- the specific needs of grandparents raising grandchildren in rural and regional Australia are being adequately met;
- if required, increasing the number of grandparent advisors employed under the Grandparent Advisor Program.

The Australian Government supports this recommendation.

The Department of Human Services (DHS) has been working in collaboration with the Department of Social Services (DSS) to review the existing Grandparent Adviser programme. Commencing in 2015-16, this programme will be expanded on a trial basis until 30 June 2017, with two additional Grandparent Adviser positions and funding for outreach activities.

Under the trial, the number of Grandparent Advisers will increase from six to eight, ensuring coverage of all states and territories, noting that grandparent carers in the Australian Capital Territory will continue to be supported by the two Grandparent Advisers based in New South Wales. In addition, the eight Grandparent Advisers will conduct outreach activities with grandparent advocacy groups and organisations within their respective geographical footprints to promote the Grandparent Adviser role within the community, and to increase awareness of available supports and services.

The expansion of the Grandparent Adviser programme will boost service efficiency and timeliness, as well as access to services and supports by grandparent carers. Prior to the completion of the trial in 2017, the Australian Government will evaluate the delivery of the Grandparent Adviser programme (including reviewing the funding for all Grandparent Advisor positions) to determine if it meets the needs of grandparent carers. DHS will consult on the evaluation approach with the DSS.

**Recommendation 4**

The committee recommends that the Australian Government considers:

- providing dedicated funding for community legal centres and Aboriginal and Torres Strait Islander Legal Services, to enable the better provision of legal assistance to grandparents who have taken on the primary care of their grandchildren;
- funding for relationship supports and services, to assist grandparents raising grandchildren to better manage intra-family relationships which are complicated by the assumption of primary care responsibilities.
The Australian Government notes this recommendation on the basis that there are a number of existing legal and family relationship services currently available to support grandparent carers and their families.

Funding to legal assistance services is not generally dedicated to specific client groups, although there are some specialist services: for example, women’s legal services, youth and Indigenous services. Legal assistance providers require flexibility to meet the most pressing legal needs of clients within the limits of finite resources. Indigenous legal assistance providers, which are fully funded by the Australian Government, are required to focus on clients who are, or are likely to be, detained in custody or face a real risk to their physical, cultural or personal wellbeing. Most funding for Indigenous legal services is used to assist clients in state and territory criminal law matters. Due to the demand for these services there is limited capacity for other law types.

However, there are a range of Australian Government funded legal assistance and relationship support services that grandparents may and do use.

Legal aid commissions in each state and territory provide significant assistance in family law matters, including to grandparents. Grandparents may meet eligibility criteria to receive assistance from legal aid commissions, including grants of aid for representation where children are concerned. Minor advice and assistance are available from legal aid commissions, community legal centres, and Aboriginal and Torres Strait Islander Services for a range of family law and child protection issues. Duty lawyers at family court registries may also assist self-represented litigants with minor representation, task assistance and advice.

Government funding already supports various family law services which are available to assist grandparents when family relationships break down and disputes arise.

Grandparents are already able to access family law services, including the national Family Relationship Advice Line (1800 050 321) which provides information, simple legal advice and referrals relating to parenting, separation, legal questions, and dispute resolution to anyone affected by family relationship or separation issues and difficulties, including parents, grandparents, carers, children, young people, step-parents or friends. In addition, Family Relationship Centres and Family Dispute Resolution services also provide advice and assistance to resolve disputes arising out of family separation, including where a grandparent assumes primary care for the children.

In relation to family relationship supports and services there is a range of existing relationship education and counselling services currently accessible to facilitate support for grandparents who are raising their grandchildren and to assist in the management of intra-family relationships where breakdown has occurred.

For example, in 2014-15, the Australian Government invested over $63.4m in annual funding to deliver Family and Relationship Services (FaRS) by 83 providers across 376 outlets. FaRS aim to strengthen family relationships prevent breakdown and ensure the wellbeing and safety of children through the provision of broad-based counselling and education to families of different forms and sizes, including grandparents who have caring or other relationship responsibilities for their grandchildren. These services primarily focus on early intervention and prevention and are targeted to critical family transition points including formation, extension and separation. These transition points include situations where grandparents may assume the role of primary carer of their grandchildren.

Some FaRS are permitted to charge fees on a sliding scale depending on income. However clients must not be refused services or referred to other organisations on the basis of incapacity to pay fees. Priority access is given to grandparents if they are financially disadvantaged or vulnerable. Services provided under this model are culturally sensitive and must be accessible to all target groups, including Indigenous people and culturally and linguistically diverse communities.

Recommendation 5
The committee recommends that the Australian Government, in consultation with relevant stakeholders, investigate how access to and the availability of professional counselling services can be enhanced for grandparent-headed families.

The Australian Government notes this recommendation.

Nationally, counselling services are already well-established and accessible to grandparent-headed families. As outlined in the response to Recommendation 4, FaRS are one avenue through which grandparent carers and their families can access such support.

There are also currently 40 Australian government funded family law counselling providers with annual funding of $15.4 million. Family law counselling helps couples and families to manage relationship issues arising from relationship changes, separation and divorce. Anyone, including grandparents and other family carers, can use these services, including intact, separated or extended families. These services include counselling, therapeutic intervention, support and information and referral.

In addition, the Australian Government funds a range of mental health and suicide prevention services and programmes which are available for grandparent-headed families and children to access. These services include counselling and support services, online and telephone counselling, clinical mental health and suicide prevention services. More information on these services and resources is outlined below:

(1) **Frontline Counselling and Support Services include:**

- **Beyondblue** ([www.beyondblue.org.au](http://www.beyondblue.org.au); 1300 22 4636) is a national organisation that has a range of information and resources associated with depression and anxiety.

- **Lifeline Australia** ([www.lifeline.org.au](http://www.lifeline.org.au); 13 11 14) provides a free, confidential and anonymous, 24-hour telephone counselling service for adults needing emotional support.

- **Mensline Australia** ([www.menslineaus.org.au](http://www.menslineaus.org.au); 1300 78 99 78) provides a free, confidential and anonymous, 24-hour professional telephone counselling service for men needing emotional support or in crisis.

- **Kids Help Line** ([www.kidshelp.com.au](http://www.kidshelp.com.au); 1800 55 1800) is a free and confidential, telephone counselling service for 5 to 25 year olds in Australia.

- **Black Dog Institute** ([www.mycompass.org.au](http://www.mycompass.org.au)) provides a 24 hour free mobile phone/computer-based programme to assist those with mild to moderate depression, anxiety and stress (myCompass).

(2) **E-Health Telephone and Media Services include:**

- **Mindhealthconnect** ([www.mindhealthconnect.org.au](http://www.mindhealthconnect.org.au)) is an online mental health portal to provide a single gateway to information and online mental health treatment programmes, ranging from self-directed to low/high levels of therapist assistance.

- **Mindspot** ([www.mindspot.org.au](http://www.mindspot.org.au)) provides free real time, online and phone Cognitive Behaviour Therapy counselling with a trained counsellor for common mental disorders such as anxiety and depression.

- **eheadspace** ([www.eheadspace.org.au](http://www.eheadspace.org.au); 1800 650 890) is a telephone and web-based support service for young people. It provides free, confidential and anonymous counselling services to young people between the ages of 12 and 25 years with, or at risk of developing, a mild to moderate mental illness.

- **The Suicide Callback Service** (1300 659 467) is a free nation-wide telephone support service available to support people at risk of suicide and their carers, and is well suited to people who are geographically or emotionally isolated. The service can support callers through structured 50 minute telephone counselling sessions, scheduled according to the caller's needs. The Suicide Callback Service operates seven days a week.
• **Wesley LifeForce**—Wesley mission (lifeforcenetworks@wesleymission.org.au) aims to build community capacity to engage in suicide prevention activity, improve access to appropriate services and to support those at risk of suicide and bereaved by suicide by building suicide prevention networks and providing education.

• **StandBy Response Service**—United Synergies Ltd (www.unitedsynergies.com.au) delivers the StandBy Suicide Bereavement Response Service which provides a 24 hour face to face response service for those bereaved by suicide, training for front line emergency response services in the community, and coordination of suicide response services.

(3) **Clinical Mental Health Services - where people go on to develop a mental disorder and require clinical mental** health services, their GP can refer them to a range of mainstream programmes, including:

• **The Better Access to Psychiatrists, Psychologists and General Practitioners through the Medicare Benefits Schedule (Better Access)** initiative aims to improve outcomes for people with a clinically-diagnosed mental disorder through evidence-based treatment. Under this initiative, Medicare rebates are available to patients for selected mental health services provided by GPs, psychiatrists, psychologists (clinical and registered), eligible social workers and occupational therapists.

• **The Access to Allied Psychological Services (ATAPS)** programme is currently funded through Medicare Locals and enables general practitioners to refer patients, including children, who have been diagnosed as having a common mental disorder of mild to moderate severity for sessions of short-term focused psychological strategies services.

• **The Mental Health Services in Rural and Remote Areas (MHSRRA)** programme provides funding for mental health professionals in more than 200 rural and remote communities across Australia that would otherwise have little or no access to Medicare subsidised mental health services. Providers include the Royal Flying Doctor Service, Aboriginal Medical Services and Medicare Locals.

• **headspace** (www.headspace.org.au) provides a national coordinated focus on mental health and related drug and alcohol problems, and aims to improve access for young people aged 12-25 years to appropriate services and ensure better coordination between services.

(4) **Other Supports include:**

• **The Partners in Recovery (PIR)** initiative aims to better support people with severe and persistent mental illness with complex multi-agency needs.

• **The Australian Child and Adolescent Trauma, Loss and Grief Network** (www.earlytraumagrief.anu.edu.au) provides information to help people understand and respond to the needs of children experiencing trauma, loss or grief and their families.

• **The Australian Psychological Society (APS)** (www.psychology.org.au) has information and resources to assist people who are coping with traumatic events, as well as resources for people who are working with affected communities.

• **The Australian Centre for Post Traumatic Mental Health** (www.phoenixaustralia.org) assists individuals, communities and organisations to recognise and reduce the adverse mental health effects of trauma.

**Recommendation 6**
The committee recommends that the Australian Bureau of Statistics:
• include a question, or set of questions, in the Census of Population and Housing, commencing in 2016, to identify those households in which kinship carers have primary responsibility for children or young people, and the carer's relationship to that person
• begin compilation of a longitudinal dataset for grandparent-headed families, with a view to identifying relevant support and service needs, including for grandparents caring for grandchildren with disability and Aboriginal and Torres Strait Islander grandparents raising grandchildren.

The Australian Government notes this recommendation, but recognises that the opportunity for new data collection in the 2016 Census is now closed. Opportunities to collect grandparent and kinship carer data can be explored in future information collections.

Consultation for the 2016 Census of Population and Housing content has closed. The 2016 Census will collect information across the full range of topics covered in the 2006 and 2011 Censuses, including relationship in household and caring responsibilities (time spent on unpaid child care, and assistance to family members or others because of a disability, a long term illness or problems related to old age). More information on the 2016 Census can be found at www.abs.gov.au/census. Given the complexity of this topic, the range of questions that would be required to establish the responsibilities and relationships of kinship carers noted above would require significant development and testing. A targeted survey approach may be better suited to collecting these data.

Compilation of a longitudinal dataset for grandparent-headed families is not possible within the existing ABS household survey programme; however the ABS is currently planning a major transformation of its population and household surveys. The transformation programme will include potential for longitudinal and cohort analysis, and increased flexibility to collect prioritised topics such as grandparent and kinship carers.

As part of this transformation, the ABS will be reviewing survey content and consulting with stakeholders on key priorities for future policy and research needs in an environment of increasingly integrated survey based and administrative collections. This will include a review of the collection of family characteristics, recognising modern complexities of family relationships within the household, such as kinship carers and shared care for children.

Possible ABS vehicles for new data on grandparent carers could include the 2018 Survey of Disability, Ageing and Carers (SDAC), as it collects detailed information on care arrangements and carer/recipient relationships and is a suitable vehicle for examining informal caring for those with a need for assistance. Further opportunities leveraging from the SDAC are under consideration with potential funding partners, including new content and a possible longitudinal collection.

Informal custodianship by kin of children and young people could also be examined across other surveys (as it is based on relationship in household). The most recent data available for childcare provided by a grandparent is from the 2014 Childhood Education and Care Survey (CEaCS).

**Recommendation 7**

The committee recommends that the Australian Institute of Family Studies:

• include a longitudinal study in its Research Directions 2015-18 for endorsement by its Advisory Council and the Australian Government; or
alternatively, conduct:
• a national, cross-sectional, probability telephone survey of grandparents, including a nested sample of former and current grandparents raising grandchildren
• a separate qualitative study of Aboriginal and Torres Strait Islander grandparents raising grandchildren, to better inform government policies and practices which support grandparent-headed families.

The Australian Government supports this recommendation in part.
To inform policy and improve relevant services and supports the Australian Government is committed to undertaking research on the issue of grandparents raising their grandchildren and other non-parent carers to better understand the prevalence of, and circumstances experienced by these carers and their families.

While a national, large-scale or longitudinal study of grandparents who take primary responsibility for raising their grandchildren is not possible at this point in time, the Australian Institute of Family Studies (AIFS) and the Department of Social Services (DSS) have been working collaboratively to progress this issue as a priority research topic.

DSS is funding a national survey of formal non-parental carers, the early stage of which has commenced. The survey will collect both quantitative and qualitative data about a range of non-parent carers, including both Indigenous and non-Indigenous grandparent carers, who are raising children as a result of orders from the Australian Family Court or Federal Circuit Court or a state or territory Children's Court, Youth Court or Magistrate's Court. The survey is being developed collaboratively by DSS, AIFS and state and territory governments, and will be conducted in 2016.

Recommendation 8
The committee recommends that, the Australian Government, through the COAG process:

- convene a national forum specifically for grandparents raising grandchildren and their local support groups, non-government organisations and representatives from the Commonwealth, state and territory governments, and that this forum:
  - investigate a means of recognising the role and contribution of grandparents raising their grandchildren throughout Australia]
  - consider effective avenues for raising community awareness and understanding of the role and contribution of grandparents who have the primary responsibility for raising their grandchildren.

The Australian Government notes this recommendation acknowledging that the issue is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for carers, and therefore this will be raised in the context of future discussions at relevant forums such as the Children and Families Secretaries Group.

Recommendation 9
The committee recommends that state and territory governments consider:

- extending foster care allowances to grandparents who are raising their grandchildren without orders from a court exercising family law jurisdiction or care and protection jurisdiction; and investigating means of facilitating contact arrangements between children in grandparent headed families and their birth parents.

The Australian Government notes this recommendation and acknowledges that this recommendation is for the action of the state and territory governments.

Recommendation 10
The committee recommends that state and territory governments consider:

- reviewing the rates of financial assistance paid to grandparents as out-of-home carers, with particular consideration to addressing the disparity in financial support between foster carers and grandparents raising grandchildren;

- the provision of training to grandparents raising their grandchildren to better support them in their daily parenting role;

- the provision of respite to services to grandparents raising their grandchildren, with a focus on enhancing and extending those services to all grandparents raising their grandchildren;
the formal assessment of kinship care placements within six months of the commencement of the placement, with a view to ascertaining the specific supports and services required by a grandparent raising their grandchild

existing policies and practices relating to the priority allocation to public housing, with a view to expediting accommodation suitable to the needs of grandparent headed families.

The Australian Government notes this recommendation and acknowledges that this recommendation is for the action of the state and territory governments.

Recommendation 11
The committee recommends that the Australian Government, in co-operation with state and territory governments, examine increased and more certain funding for voluntary support groups which provide peer support to grandparents raising grandchildren to better facilitate the establishment, maintenance and operations of such groups.

The Australian Government notes this recommendation.

The Australian Government is already investing around $891 million from 2015-16 to 2018-19 under the Families and Children Activity of the Families and Communities Programme to support families to improve the wellbeing of children and young people to enhance family and community functioning, as well as increasing the participation of vulnerable people in community life.

Children and those in a parenting or caring role, including grandparent and kinship carers are supported through the Children and Parenting Support (CaPS) Component of the Families and Children Activity. Under this component, the Australian Government funds a range of prevention and early intervention services including peer support groups, parenting education services, web-based resources and support services, playgroups, and school readiness programmes.

Support is also provided through the Communities for Children Facilitating Partners (CfC FP) Component of the Families and Children Activity. The CfC FPs aim to deliver positive and sustainable outcomes for children aged 0-12 and families in disadvantaged communities throughout Australia. CfC FPs are place-based and develop and facilitate a whole of community approach to support and enhance early childhood development and wellbeing through services such as parenting programmes and group peer support.

In addition, the Australian Government, through the Indigenous Advancement Strategy, is investing over $55.6 million per year for a range of early childhood services. These services include projects that aim to support parents and those with parenting responsibilities, including grandparents and kinship carers, for raising children.

In addition to the support provided through these services, the Australian Government, through the Department of Social Services, will strengthen its support for grandparent carers through investment in a new initiative to provide national information, resources and support for the target group. The Department will consult with key stakeholders in the development of this initiative and identify opportunities to build on existing and planned activities and resources.

Recommendation 12
The committee recommends that the COAG give attention to:

- collaborating on the development of guidelines, protocols and templates to ensure consistent implementation of Standard 4 of the National Standards for Out-of-home Care, which provides for each child and young person to have an individualised education plan

considering facilitating education and awareness training within each jurisdiction on the special circumstances and needs of grandparents raising grandchildren.

The Australian Government notes this recommendation acknowledging that the issue is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for carers, and therefore
this will be raised in the context of future discussions at relevant forums such as the Children and Families Secretaries Group.

**Recommendation 13**
The committee recommends that the COAG Education Council initiates a review into the practical supports and services that could be provided to children in out-of-home care (including grandparents raising grandchildren), to promote positive outcomes in education.

The Australian Government notes this recommendation acknowledging that the issue is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for carers, and therefore this will be raised in the context of future discussions at relevant forums such as the Children and Families Secretaries Group.

**Recommendation 14**
The committee recommends that the COAG, in conjunction with state-based community service providers:

- review the information currently available to grandparents raising grandchildren in relation to government and non-government supports and services;
- develop, and update as required, a comprehensive guide to the supports and services available to grandparents raising grandchildren in each jurisdiction;
- make the comprehensive supports and services guide widely available across a range of mediums and in a variety of formats, including for Aboriginal and Torres Strait Islander grandparents raising grandchildren;
- review, and develop if necessary, in consultation with the relevant courts, information materials that:
  - identify and explain potential pathways for grandparents raising grandchildren who wish to formalise care arrangements for their grandchildren
  - identify specific sources of potential legal assistance in each jurisdiction.

The Australian Government notes this recommendation acknowledging that the issue is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for carers, and therefore this will be raised in the context of future discussions at relevant forums such as the Children and Families Secretaries Group.

**Recommendation 15**
The committee recommends that, through the COAG Health Council, governments consider enhancing the provision of mental health services for grandparent-headed families, with special attention given to grandchildren affected by trauma.

The Australian Government notes this recommendation acknowledging that the issue is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for carers, and therefore this will be raised in the context of future discussions at relevant forums such as the Children and Families Secretaries Group.

Note also that the Australian Government currently funds a range of relevant mental health and suicide prevention services and programmes as outlined at Recommendation 5.

**Recommendation 16**
The committee recommends that:

- the Third Action Plan 2015-2018 elevates the strategic and policy areas associated with grandparents raising grandchildren;
as an initiative under the National Framework, governments explore options to improve mental health services for all family members, to support the family unit and prevent children from entering the out-of-home care system

• governments recognise the special needs of and costs associated with raising children with disability, in determining eligibility for, and the extent of, supports and services provided to grandparents raising grandchildren.

The Australian Government notes this recommendation.

The National Framework for Protecting Australia's Children 2009-2020 (the National Framework) aims to ensure that Australia's children are safe and well. A supporting outcome of the National Framework is that children and young people who have been abused or neglected receive timely, appropriate, high-quality child protection and other support services to secure their safety and promote their long-term wellbeing. The National Framework is implemented through a series of three-year action plans.

Achievements to date specifically related to assisting grandparent carers include the development of National Standards for out-of-home care, introduction of six Centrelink Grandparent Advisers, development and production of the Winangay Indigenous kinship carer resources and implementation of an online resource to improve carers' access to information about available services and payments.

The National Framework is based on a tripartite partnership involving the Commonwealth, state and territory governments and the non-government sector, through the Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children. The Third Action Plan reflects the outcomes of discussions between the partners about activities to be undertaken over the next three years, which includes consideration of how to give best effect to the National Standards for out-of-home care.

The Australian Government will continue to provide support through its Community Mental Health Activity, Family Mental Health Support Services (FMHSS), to improve mental health outcomes for children and young people at risk of mental illness and their families and carers. Children at risk of entering the out-of-home care system are a priority target group of FMHSS.

The Australian Government recognises the effort, dedication and challenges faced by carers, including grandparent carers of children with a disability, medical condition or a mental illness. Eligible carers are currently supported through the provision of financial assistance and a range of programmes and services.

From December 2015, a national carer gateway will be implemented to assist unpaid carers access information and support to help them maintain their caring role. The national carer gateway will comprise of a national telephone contact centre, including a new 1800 number, and a website that will include carer-specific information with a service finder to make it easier for all carers to locate and access support and services. The national carer gateway is the first step in a longer term plan to better support carers. Work on an Integrated Plan for Carer Support Services has commenced and will reflect Australian Government priorities for carers. The purpose of the Plan will be to outline practical actions to recognise, support and sustain the vital work of unpaid carers. A key priority of the Plan will be to streamline and better coordinate carer support services and ensure that the needs of carers are recognised and supported.

In addition, where applicable, the National Disability Insurance Scheme (NDIS) provides funding for long-term, individualised care and support that is reasonable and necessary to meet the needs of people with permanent disability, where a person's disability significantly affects their communication, mobility, self-care or self-management.

The NDIS is a new way of providing community linking and individualised support for people with permanent and significant disability, their families and carers. The NDIS funds supports that families
need as a result of a family member's disability, as well as supports that enable sustainable caring by family members, including grandparents.

The natural supports that carers provide are critically important to a person's wellbeing and the scheme will take steps to support the sustainability of carers in their role. The National Disability Insurance Agency (NDIA) will consider the assistance provided by carers when working with participants to develop individual plans and support packages.

Under the NDIS, participants with psychosocial disability will have increased choice, control and flexibility in how their supports are delivered. Supports funded by the NDIS will complement the clinical supports provided through the mental health system and will address the functional impact of a person's psychosocial disability. Funded supports might include help with planning and decision-making, accommodation, or assistance to participate in the community.

**Recommendation 17**

The committee recommends that the COAG:

- explores options for providing informal grandparents raising grandchildren with access to legal assistance (including legal representation) in relation to the care arrangements for the grandchildren;
- affirms support for the Commonwealth's Informal Relative Caregiver's Statutory Declaration, with a view to implementing a consistent means of recognising informal grandparents raising grandchildren within and across jurisdictions;
- investigates means of supporting informal grandparents raising grandchildren who initiate proceedings in the family law jurisdiction and the care and protection jurisdiction, including a more active role for child protection authorities and an enhanced role for mediation.

The Australian Government notes this recommendation.

The issue of the Commonwealth's Informal Relative Caregiver's Statutory Declaration is best dealt with by Commonwealth, state and territory ministers with portfolio responsibility for carers, and therefore this will be raised in the context of future discussions at relevant forums such as the Children and Families Secretaries Group.

The Australian Government does not support the first and third points of the recommendation about COAG considering access to legal assistance and support in the family law jurisdiction.

The Family Law Council is currently considering the interaction between family law and child protection systems.

The information provided at recommendation 4 about legal assistance services and family law services is relevant. Applications for a grant of legal aid for representation are means and merits tested, to ensure that limited resources are targeted at disadvantaged people with complex legal needs. Grandparents informally caring for grandchildren can access legal information and minor assistance services.

**Recommendation 18**

The committee recommends that state and territory governments reconsider **Recommendation 19-3** of the Australian Law Reform Commission and New South Wales Law Reform Commission's joint report Family violence—a National Legal Response, to enhance the assistance provided by child protection authorities to grandparents raising grandchildren in the family law jurisdiction.

The Australian Government notes this recommendation and acknowledges that this recommendation is for the action of the state and territory governments.

1 Note—The Children and Families Secretaries Group (CAFS) comprises heads of Commonwealth and state/territory departments responsible for children and families. The Department of Social Services represents the Australian Government on CAFS.
From 1 July 2015, ATAPS and MHSRRA services will be transitioned from Medicare Locals to Primary Health Networks. Services will continue to be delivered under the same arrangements. Medicare Locals can be found at www.medicarelocals.gov.au. Primary Health Networks can be found at:

The Royal Flying Doctor Service information can be found at www.flyingdoctor.org.au and the Aboriginal Medical Services can be found at: www.nganampahealth.com.au and www.wuchopperen.org.au

Australian Government response to the Senate Community Affairs References Committee report:
Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services
December 2015

INTRODUCTION
The Government welcomes the opportunity to respond to the findings and recommendations of the Senate Community Affairs References Committee's ('the Committee') interim and final reports. The wellbeing of vulnerable Australians remains a high priority for the Government. We also strongly value the role of community organisations in delivering services that make a real difference in the lives of Australia's families and communities.

The 2014 funding round included a mix of open, direct, and restricted selection processes. The adoption of an open selection process meant that new organisations had the opportunity to apply to deliver services or activities, and community organisations that were already funded had the opportunity to apply to deliver new services or to deliver services in new areas. Some activities had not been open to a selection process for many years. Without having an open process, new ways of delivery and new services are difficult to identify and may not receive support from the Government.

Nearly half of the 2014 funding round was conducted through direct or restricted selection processes. This reflected the specialist nature of the services and the known expertise of the organisations selected. The Department of Social Services' new grant arrangements and subsequent funding rounds were developed and implemented within a tight fiscal environment. To contribute to Budget repair, funding was reduced through the 2014-15 Budget and subsequent Mid-Year Economic and Fiscal Outlook by a total of $270 million over four years.

Due to Budget decisions previous funding levels could not be maintained. The selections methods used by the Department of Social Services targeted funding towards the areas of most need, although the Government acknowledges that this does not mean that some areas of the community do not experience disadvantage.

As the Committee is aware, the Government has continued to monitor service coverage and committed further funding to address identified critical, frontline service gaps. The Department of Social Services also continues to undertake selection processes for a range of other grant programmes, which provide further opportunities for the community sector to secure funding to deliver critical services.

The Government recognises the valuable contribution of community organisations in providing evidence to this inquiry. Considerable time and effort is required to provide a submission or testimony to a Senate Inquiry, and the perspectives of the sector are a vital insight into the issues faced when seeking government funding.

The Government remains committed to ensuring its funded services deliver high quality outcomes. We are also committed to reducing red tape for community organisations. Engagement with community organisations remains a high priority and we aim to consult the sector as early as practicable in the event of any further changes to our grant programmes. The recently established Community Services...
Advisory Group is one such forum for community organisations to raise concerns directly and help develop ideas with the Government.

The Committee's interim and final reports provide findings and recommendations that the Government will take into consideration to improve grants processes.

**Australian Government response - Senate Community Affairs References Committee report: Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services**

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<th>Recommendation</th>
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<tr>
<td><strong>Interim Report Recommendation 1:</strong></td>
<td><strong>Noted—matter for the Auditor-General</strong></td>
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<tr>
<td>The Committee recommends that the Auditor-General consider a review of the 2014 Department of Social Services community service tendering process. This review should include an assessment of how the process fared against each of the Commonwealth Grants Guidelines seven key principles:</td>
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<td>- robust planning and design;</td>
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<td>- collaboration and partnership;</td>
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<td>- proportionality;</td>
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<td>- an outcomes orientation;</td>
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<td>- achieving value with relevant money;</td>
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<td>- governance and accountability; and</td>
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<td>- probity and transparency</td>
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<td><strong>Interim Report Recommendation 2:</strong></td>
<td><strong>Noted—matter for the Auditor-General</strong></td>
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<td>The Committee recommends that the Auditor-General consider reviewing the 2014 community service tendering process conducted by the Department of Social Services with a view to updating the Commonwealth Grants Guidelines. Specifically, the committee draws the Auditor-General's attention to the effect that the truncated timelines of the 2014 process had on poor engagement with the sector, which in turn has been expressed in a general sense of stakeholder disenfranchisement.</td>
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<td>The Committee recommends that the Auditor-General analyse the 2014 DSS tendering process to assess the need for specific guidance on the following issues:</td>
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<td>- whether there is merit in requiring certain documentation—such as funding priorities and the selection criteria for</td>
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Recommendation 1: The Committee recommends that the Department of Social Services publish its recent analysis of service delivery gaps, to promote transparency and to encourage informed discussion of a strategy that ensures vulnerable people are properly supported right across Australia with no gaps.

Government Response: Not Agreed

The service gap analysis included data analysis, environmental scanning, mapping of existing service coverage areas, examination of the policy objectives of activities, and local knowledge from the Department of Social Services' state and territory offices. The mapping of services undertaken throughout the analysis identified where a particular geographic...
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<td>Location had funding withdrawn, or where there were no like services to refer existing clients. This included monitoring services funded by state and territory governments, not just those funded by the Commonwealth.</td>
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<td>To inform his funding decisions, the former Minister for Social Services, the Hon Scott Morrison MP, also sought the views of stakeholders, including community organisations, peak body organisations, Senators and Members of Parliament.</td>
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<td>The sensitivity of some information that applicants may have provided in their applications and expectations of confidentiality limit what could be published.</td>
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<td>To identify emerging needs, the Department of Social Services continues to monitor service coverage, with input from stakeholders. The Government will continue to direct funds and services in a targeted approach to address the most critical areas of need.</td>
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**Recommendation 2:**

The Committee recommends that future tendering processes should be planned strategically, with a clear sense of the service gaps and areas of geographic need, and be based on an assessment of how the tendering process would enhance the capacity of the sector to meet these needs. The Committee acknowledges that in some circumstances, competitive tendering processes may not meet the needs of the community sector, and recommends the adoption of alternative processes to ensure there are no gaps in service provision in the future.

**Agreed**

The Government remains committed to ensuring grants funding is targeted to address the most vulnerable communities and individuals who depend on services to maintain their wellbeing. The Government is looking at ways to provide more direct and specific information about funding processes in the future, within the limits of fair process and due probity. Meetings with stakeholders have been part of this process throughout 2015 and engaging with the sector will continue to play an important role in planning future grants.

The Government notes that a mix of open competitive and direct or restricted selection processes will continue to be used in the future based on the appropriate approach for each funding round. Nearly half (12 of the 26 rounds) of the 2014 funding rounds were restricted or direct. Many of those grant activities involved in the 2014 funding round had not been open to a selection process for many years. The open
Recommendations process enabled new providers to be considered to deliver services or existing providers to offer new or different services which better matched the needs of clients and communities. The Government continues to focus on outcome oriented funding to ensure all policy objectives are achieved. In this respect, grants are only one type of financial arrangement offered by the Government. Administering funding in a way that supports services to address areas of greatest need will likely result in changed service footprints for some programmes. This adaptive and targeted approach may lead to the perception of service gaps, rather than a genuine unmet need for these services.

**Recommendation 3:**

The Committee recommends that the selection criteria for future tender rounds should consider a mechanism such as a weighting on the contribution small, community-based organisations provide to their community beyond the service they are directly funded to provide.

The Government is committed to selecting the best organisations to deliver services to the Australian community regardless of their size. We consider many factors including the organisation's capacity to deliver the particular service, their broader organisational capacity as well as their local knowledge (where relevant) and expertise, which we recognise is an invaluable resource in the effective delivery of services.

The Government agrees there should be mechanisms in place to ensure small organisations are not disadvantaged in grants processes. The Department of Social Services is currently considering how best to support small organisations.

The Government notes that small organisations have continued to be highly successful in obtaining funding. Approximately 73 per cent of community organisations that received funding through the 2014 round, including those that received funding as a result of the service gap analysis, are classified as small organisations (that is, they do not have a national service footprint). This accounts for around 44 per cent of the funding received.
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<th>Recommendation 4:</th>
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<td><strong>Recommendation 4:</strong> The Committee recommends that the Department of Social Services ensure that if organisations are not awarded a grant, any subcontract or consortium arrangement offered for the same service must be on comparable terms to those which would have been offered in a funding agreement.</td>
<td><strong>Agreed in-principle - matter for lead consortium member</strong> As per the Terms and Conditions of the Department of Social Services' Comprehensive Grant Agreement, any sub-contracting arrangements established must be consistent with the obligations binding on the lead consortium member (the contracted organisation). The Government is committed to reducing the red tape burden for community organisations of all sizes and does not impose more restrictive requirements on organisations entering into sub-contracting arrangements as this would increase the administrative burden on all consortia members. The Department of Social Services' New Way of Working for Grants allows community organisations to take a more autonomous approach to service delivery. The broader objectives of the revised programmes allow community organisations to continually adapt to changes in their client's particular needs, while still meeting the programme objectives and requirements.</td>
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<th>Recommendation 5:</th>
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<td><strong>Recommendation 5:</strong> The Committee recommends that where possible, five-year contracts should be awarded to ensure stability so the sector can plan and deliver sustainable services.</td>
<td><strong>Agreed</strong> The Government remains committed to the implementation of five year grant agreements, where appropriate. We recognise that five year agreements allow community organisations to better undertake long-term business planning and provide consistency of services. This ensures community organisations are able to dedicate more resources to service delivery, rather than administrative processes, in turn providing valuable support to vulnerable Australians.</td>
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<th>Recommendation 6:</th>
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<td><strong>Recommendation 6:</strong> The Committee recommends that the privacy concerns raised in relation to the department's data exchange protocols should be resolved as a matter of priority.</td>
<td><strong>Noted</strong> The Government takes privacy very seriously and is committed to ensuring effective privacy protections are in place. Safeguards for protecting and securing a client's personal information underpin the operation of the Department of Social Services Data Exchange's (the Data Exchange) systems</td>
</tr>
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Recommendation 7:

The Committee recommends that advocacy support be considered a vital component of community services in future funding arrangements and is given appropriate weighting in funding assessments.

**Noted**

The Government recognises the role community organisations, especially peak bodies, play in promoting issues important to the community services sector, particularly when organisations are championing the interests of individuals using government funded services. We are always interested in these issues and actively provide funding to numerous peak body organisations to provide valuable information to inform policy development and implementation.

Where advocacy is listed in Programme Guidelines as a specific activity that can be undertaken using Government funding, this is taken into account when assessing grant applications.

The Government remains strongly focused on ensuring our grants improve outcomes for families, communities, and vulnerable Australians.

Recommendation 8:

The Committee recommends that community sector funding should include consistent and adequate indexation of funding (to wage price index).

**Noted**

As outlined in paragraph 2.105 of the final report, the Government determines the appropriate indexation factor to apply to expenditure programmes. The Government takes into account the key principles of the indexation framework that was established in 1995-96 in assessing whether the consumer price index, a wage cost index, or a different indexation factor should be applied. Over 100 Commonwealth programmes are currently subject to an
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<td>indexation pause, including 23 Department of Social Services programmes. The current pause in indexation was announced by the Government in the 2014-15 Budget measure Administered Programme Indexation Pause and a two year extension of the indexation pause (with some exclusions) was announced in the 2015-16 Budget.</td>
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<td><strong>Recommendation 9:</strong></td>
<td><strong>Agreed</strong></td>
</tr>
<tr>
<td>The Committee recommends that the Minister authorise publication of the final report of the NOUS review on the Department of Social Services website.</td>
<td>The independent review into the Department of Social Services' grants processes conducted by the Nous Group was tabled ahead of the Senate Community Affairs Legislation Committee at the Supplementary Budget Estimates hearing in October 2015 and is attached to this response (Attachment A refers). The report is also available on the Department of Social Services' website 2014 Grant Selection Process.</td>
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<td><strong>Recommendation 10:</strong></td>
<td><strong>Noted</strong></td>
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<td>The Committee recommends that an urgent review is conducted of where critical service gaps continue to exist, that this review is made public and that these gaps be filled immediately to make sure that very vulnerable people get the support they need.</td>
<td>As a matter of normal business, the Government continues to monitor the coverage and effectiveness of its grants programmes. When a potential service gap or area of critical need is identified, the Government considers the best course of action and responds accordingly. The Government has conducted further selection processes since the 2014 grants funding round and also funds a range of other ongoing services. These processes provide further opportunities for community organisations to receive Government funding and have ensured that funding continues to be available to meet existing and emerging priorities and community need. As outlined in the Government's response to Recommendation 1, the Department of Social Services will continue to monitor service coverage to identify existing and emerging need within the community.</td>
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<td><strong>Recommendation 11:</strong></td>
<td><strong>Noted</strong></td>
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<tr>
<td>The Committee recommends that after 18 months of operation, an independent</td>
<td>The Government uses the Department of Social Services' state and territory networks</td>
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Recommendation 12:
The Committee recommends that the Auditor-General conduct its own review into the tendering process, including examining:

- The Department of Social Services' work pre-tender in identifying service needs by region;
- The extent to which successful tenderers have sub-contracted their work to local and regional providers, job losses that have resulted from the tendering process and outcomes, and the extent to which Department of Social Services has oversight over these subcontracts;
- The extent to which the capacity for community-based service delivery (particularly the capacity to provide services to CALD and indigenous communities) was factored into the tender selection process;
- The impact on service delivery, advocacy and the support available to vulnerable people and communities.

Noted - matter for the Auditor-General
The Government, and the Department of Social Services, will assist to their fullest capabilities should the Auditor-General include this matter on the Australian National Audit Office's work programme.

The Community Mental Health funding round included both an open selection component and a direct selection component.

Response to the report of the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru:

Taking responsibility: Conditions and circumstances at Australia's Regional Processing Centre in Nauru

December 2015

Recommendation 1

5.22 The committee recommends that, consistent with the terms of the Memorandum of Understanding and related arrangements between the governments of Australia and Nauru, Australia ensure that support and assistance is provided to Nauru's police, judicial, prosecutorial and other law
and justice entities to the extent necessary to ensure that Nauru's justice system meets the standards of accountability and probity required by Australian and international law.

Response

The Republic of Nauru is a sovereign nation and Australia does not exert control over Nauru's functions, including judicial system and law enforcement. Australia will continue to support Nauru to build its capacity to deal with police and legal matters through its courts and associated systems, but cannot ensure or proscribe standards.

Australian engagement in Nauru's law and justice sector, at the request of the Government of Nauru, includes the following support:

- Legal counsel (defence and prosecution) and a magistrate to assist with trials of the 2013 riots. Lawyers engaged by the Government of Nauru were funded by the Department of Immigration and Border Protection (the Department) under the MOU.
- Refugee status determination (RSD) lawyers, and magistrate and counsel to manage RSD judicial reviews. Legal personnel are employed by the Government of Nauru and funded by the Department under the MOU.
- Contracting a claims assistance provider to assist transferees prepare their refugee claims and any subsequent reviews.

The Attorney General's Department (AGD) is working with Nauru's Department of Justice and Border Control to reform the Nauru Criminal Code of 1899. A new Crimes Bill will include revised offences and penalties to meet modern community expectations, with clear language to assist police and prosecutors to fulfil their roles. Following expected passage in early 2016, further support, including training for police and prosecutors, may be provided by AGD to help with implementation, if requested.

Nauru has also requested assistance to reform its Police Force Act 1972, which AGD expects to provide following passage of the Crimes Bill. Efforts to reform policing legislation will likely incorporate model forensics provisions, developed by AGD.

AGD also works with and provides capacity building assistance to Nauruan police, prosecutors and legal policy officers through Pacific regional law and justice organisations including the Pacific Island Law Officers Network, Pacific Prosecutors' Association, and Pacific Islands Chiefs of Police.

Australian Federal Police officers work with the Nauru Police Force to help it build capacity to manage complex investigations, including allegations of sexual assaults, with AGD providing support and assistance to Nauru's police, prosecutorial and other law and justice bodies.

Response

RSD is a matter for the Government of Nauru. It is not appropriate for Australia to comment on the time it takes the Nauruan Government to complete this process, however it is important to note that a range of variables may impact the time it can take to process a protection claim, including:

- Complexity of cases
- Location of individuals (for example, processing may be suspended if a transferee is moved to Australia or PNG for medical treatment)
- Documentation and evidence to support claims (including proof of nationality or statelessness)
- Willingness and/or fitness (medical) of individuals to engage in the process
- Number of active cases under consideration at any one time

The RSD process and the matters listed above are regularly discussed at the Joint Advisory Committee for Nauru Regional Processing Arrangements. In addition, Australia has provided assistance, training and mentoring to the Government of Nauru to build its capacity to manage its RSD process.
The Government of Nauru announced on 30 September 2015 its intention to hand down all decision ready cases in October 2015. At 15 December 2015, the Government of Nauru has made 1104 refugee determinations (830 positive and 274 negative), representing 75 percent of the total caseload.

5.27 The committee further recommends that asylum seekers be informed about the steps being taken to process their claims, be regularly updated on the progress of the claim, and that an extension be provided to asylum seekers when model timeframes are not met.

Response
Messaging to transferees and the timeframes related to the Nauru RSD process is a matter for the Government of Nauru.

The Australian Government, through a contracted service provider, funds the provision of a protection claims assistance service to assist asylum seekers to lodge a protection claim and any subsequent reviews. Claims assistance providers operate a shopfront service at the Nauru regional processing centre (RPC) to provide advice to transferees on their asylum claims.

Response
The Ombudsman's office has visited Manus and Nauru RPCs six times in the past 18 months. In accordance with established practice, the Department considers any recommendations made by the Immigration Ombudsman. Actions which do not relate to a matter of administration by an Australian Department, authority or service provider are outside the Ombudsman's jurisdiction, which cannot investigate or inquire into the actions of Nauruan (or PNG) officials or service providers or nationals of Nauru (or PNG) contracted directly with the host nations.

5.38 The committee further recommends that the Ombudsman report to parliament on an annual basis on the number and nature of the complaints received and the outcomes of the Ombudsman's assessment of them.

The Ombudsman reports annually to parliament on its investigations of Commonwealth agencies. Immigration complaints, including of RPCs, are reported in aggregated terms with analysis of trends. Delays in visa issuance are the most common immigration-related complaints made to, and investigated by, the Ombudsman.

Response
On arrival, all transferees are made aware of their rights and responsibilities while they are in the RPC. Transferees are also made aware of how they can report any complaints, through safe, confidential channels.

In addition to the current complaints management process, Nauru has established shopfront style drop-in centres where transferees can lodge complaints, verbally or in writing. These centres provide an area for transferees to talk with others, seek advice and support from service providers, and engage in a range of activities.

Further, transferees have access to phones, email, social media and are able to communicate with a range of bodies. These bodies include: the International Committee of the Red Cross (ICRC); the UN High Commissioners for Refugees and for Human Rights; Amnesty International; and the Ombudsman.

The role of the ICRC is a matter for it in consultation with the Government of Nauru. The ICRC conducts regular inspections of the RPC with Nauru's permission.

Recommendation 5
5.43 The committee recommends that Australia increase the transparency of conditions and operations at the Regional Processing Centre, including by ensuring the provision of reasonable access, in negotiation with the Government of Nauru as necessary, by the Australian Human Rights Commission and by the media.
Response

Access and visitation to RPC is managed and administered by the Government of Nauru. Matters concerning transferees at the RPC are not within the Australian Human Rights Commission's jurisdiction.

Response

The Regional Processing Code of Conduct guidelines issued by the Department prescribe the behaviour that all Immigration and Border Protection (IBP) workers, as defined under the Australian Border Force Act 2015, must adhere to under their respective contracts, which includes expectations around drugs and alcohol.

The Department is currently negotiating the new contract with the Service Provider. The contract being negotiated requires the service provider to be compliant with the Australian Border Force Act 2015 (the Act) and personnel will be subject to the Act and the Secretary's Directions 1, 2 and 3. As part of this Framework, IBP workers will be required to comply with additional requirements related to mandatory reporting, integrity testing, and drug and alcohol testing.

Recommendation 7

5.49 The committee recommends that the Department of Immigration and Border Protection provide full and disaggregated accounts in its Portfolio Budget Statements, annual reports and other relevant reports to Parliament and to the Australian public, of the expenditure associated with the Regional Processing Centre on Nauru. This accounting should include detailing costs specific to the Nauru RPC, as well as related support and assistance provided by the Australian Government to the Republic of Nauru.

Response

The Department provides aggregated financial information against its agreed programme structure within its Portfolio Budget Statements and Annual Reports for IMA Offshore Management (Programme 1.5). In addition, contract specific information is available on Austender.

 Assistance provided through the aid program to foreign governments, including Nauru, is reported on the DFAT website and the DFAT Annual report.

Response

Refer to Attachment A.

5.53 The committee recommends that a clarification be provided to the Senate by the Department of Immigration and Border Protection as to why exemptions on the grounds of assistance to foreign governments apply to expenditure associated with the Regional Processing Centre on Nauru.

Response

The Department provided this clarification in response to the committee's interim report; refer to Attachment B.

None of the works carried out on Nauru in association with the RPC are public works for the purposes of section 5AA of the Public Works Committee Act 1969.

The Department has carried out a number of works, at Nauru's request, to build capacity in the Nauruan community to support refugee settlement and for the community's long term and general benefit.

These additional works were constructed by way of assistance to Nauru and, accordingly, that none of them is a 'public work' for the purposes of the Public Works Committee Act*.

Those works are the construction and/or renovation of the following facilities on Nauru:

- A court house
- A corrections facility

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CHAMBER
- Local education facilities and teachers’ accommodation
- Upgrade to public water utilities
- Upgrade and renovation of the local hospital in collaboration with the Department of Foreign Affairs and Trade
- Upgrading and repair of local roads
- Refugee settlement housing

* The Public Works Committee Act excludes from the definition of "public work", and thus from the scope of the Act, work that is proposed to be carried out by or for the Commonwealth by way of assistance to an overseas country. (Per section 5AA of the PWC Act explicitly states that "a public work does not include:

- (d) a work that is proposed to be carried out by or for the Commonwealth by way of assistance to an overseas country).

Response
This information is provided as part of the Senate Estimates process.

Recommendation 9

5.59 The committee recommends that the Australian Government continue to review the operation of the Regional Processing Centre with a view to expanding open centre arrangements. The committee recommends that the Regional Processing Centre on Nauru move toward becoming a more open, lower security living arrangement for all asylum seekers except where there is a compelling reason for an asylum seeker to be accommodated more securely.

Response
The Government of Nauru commenced open centre arrangements on 25 February 2015 and expanded arrangements to be fully open on 5 October 2015. A fully open centre means that:

1. There are no restrictions on the movement of transferees in and out of the RPC.
2. Transferees may remain out of the centre overnight.
3. Transferees no longer need to seek permission to leave the centre.

As at 16 December 2015, the Government of Nauru advises that there are 649 refugees living in the Nauru community and a further 179 refugees living in the open RPC, awaiting construction of hard-walled settlement accommodation.

Response
The full range of services, including but not limited to, accommodation, garrison, welfare and health, will continue to be provided to transferees whether or not they participate in the open centre arrangements. Transferees participating in open centre arrangements are provided with transport to and from the RPC, and around Nauru.

Recommendation 10

5.67 The committee recommends that the government commit to and publicly release a medium to long term plan for the completion of permanent infrastructure at the Regional Processing Centre on Nauru, including the construction of solid accommodation structures, and for tangible improvements to amenities for asylum seekers including lighting, water, toilets, air conditioning, cooking facilities and communications.

Response
The Department is consulting the Government of Nauru on the development of a medium to long term Nauru Estate plan, including proposals to install permanent or solid accommodation structures. The accommodation plan, land leases and works programme are a matter for Nauru, including whether
to publicly release plans. Accommodation arrangements are discussed regularly by the Nauru Joint
Advisory Committee.

The Department is currently in negotiations with a preferred tenderer to contract services, including
welfare services, at the RPC(s). The provision of these services is being captured under the statement of
work of the Garrison and Welfare Services Contract. The Department approached the market in
accordance with the Commonwealth Procurement Rules, which allowed non-government organisations
to tender either in their own capacity or as part of a consortium.

**Recommendation 11**

5.76 The committee recommends that the government extend its current policy commitment to
remove children from immigration detention to the maximum extent possible, to include the removal of
children from the Regional Processing Centre in Nauru. The government should develop a plan for the
removal of children from the Nauru RPC as soon as possible, with their families where they have them,
to appropriate arrangements in the community.

**Response**

The Government of Nauru is responsible for the placement of transferees and refugees who have
been transferred or settled under the MOU. Nauru provides accommodation in the RPCs for all
transferees. Full open centre arrangements allow transferees to enter and exit the centre 24 hours a day.

Transferees may independently seek alternative accommodation arrangements, but will not be
assisted to do so.

**Response**

The education of asylum seeker and refugee children is a matter for Nauru, as it is in relation to
Nauruan children. Australia supports Nauru by providing expatriate teaching staff and refurbishing
schools, which benefits all children, and helping integrate transferee children into local schools.

Australia is helping Nauru to finalise an education strategy to make such arrangements enduring.

**Recommendation 13**

5.85 The committee recommends that the Department of Immigration and Border Protection, in
consultation with the Australian Federal Police, undertake a full audit of all allegations of sexual abuse,
child abuse and other criminal conduct reported to the Australian Human Rights Commission, to the
Moss Review and to this inquiry, seeking the agreement of these bodies to share confidential
information where necessary to conduct such an audit.  

**Response**

Alleged criminal conduct in Nauru is a matter for Nauruan authorities. The Department and its
service providers refer all allegations of a criminal nature to the Nauru police force (NPF). While the
Australian Federal Police has been providing general assistance to Nauru police, the AFP does not
actively investigate matters as it doesn't have jurisdiction on Nauru.

Earlier this year, the Minister announced the formation of the Child Protection Panel (The Panel),
which is formally reviewing reported incidents as part of its remit. The Panel's report will be finalised
by the end of this financial year, which should provide more insight to any allegations of child abuse.

The Government of Nauru is responsible for the administration and management of the RPC.
Allegations of a criminal nature made to the NPF are the responsibility of the Government of Nauru.

**Recommendation 14**

5.91 The committee recommends that legislation be passed by the Australian Parliament requiring
the mandatory reporting of any reasonably suspected unlawful sexual contact, sexual harassment,
unreasonable use of force or other assault perpetrated against asylum seekers at the Regional Processing
Centres, under similar terms as the mandatory reporting provisions contained in existing Commonwealth, state and territory laws.

**Response**

Allegations of unlawful conduct in Nauru are a matter for Nauruan authorities. Nauruan statutes and legislative amendment are matters for the Government of Nauru. The Panel will provide guidance for the future management of abuse allegations relating to children.

**Recommendation 15**

5.94 Given the committee's concerns about the level of accountability and transparency that currently applies to the operation of the regional processing centre in the Republic of Nauru, the committee recommends that the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 December 2016:

a) conditions and treatment of asylum seekers and refugees at the Regional Processing Centre in the Republic of Nauru;

b) transparency and accountability mechanisms that apply to the Regional Processing Centre in the Republic of Nauru;

c) implementation of recommendations of the Moss Review in relation to the regional processing centre in the Republic of Nauru;

d) Nauru is operating in compliance with Australian and international legal obligations;

e) the extent to which contracts associated with the operation of offshore processing centres are.

**Response**

Prior to the tabling of the Government's response to the Committee's report, the Senate resolved to refer the above matters to the Legal and Constitutional Affairs References Committee.

**RESPONSE TO RECOMMENDATION 8 - 5.52—WORKS CONDUCTED ON NAURU - AUGUST 2012 TO PRESENT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of temporary camp completed</td>
<td>September</td>
<td>Works performed by DIBP and ADF. The facility originally comprised of military-style canvas tents for accommodation and hard-walled administration building, various recreation buildings, transferee ablutions and a number of offices. Temporary kitchen was set up in an air conditioned 24 x 12 marquee.</td>
</tr>
<tr>
<td>Permanent construction works at RPC 1</td>
<td>14 December</td>
<td>Works performed by Canstruct. Construction of modular buildings commenced and accommodation was handed over progressively from January 2013.</td>
</tr>
<tr>
<td>Last military tent accommodation at RPC 1 decommissioned</td>
<td>16 April 2013</td>
<td>All transferees were relocated to permanent hard walled modular accommodation buildings at this time.</td>
</tr>
<tr>
<td>RPC 1 post fire reconstruction completed</td>
<td>17 October</td>
<td>Works performed by Canstruct. All buildings destroyed in the fires were</td>
</tr>
<tr>
<td>Project Description</td>
<td>Date</td>
<td>Details</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td><strong>Regional Processing Centre 2 (RPC 2) and Regional Processing Centre 3 (RPC 3)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RPC 2 on-site civil works commenced</td>
<td>March 2013</td>
<td>Works performed by Canstruct. Mobilisation of machinery and initial site clearing activity commenced on site in preparation for permanent families facility. RPC 2 comprised military tents sourced from the Australian Defence Force (previously used at the initial RPC 1) installed by Transfield with assistance from Canstruct. Temporary ablutions installed initially, were later replaced with modular ablation blocks. Dining room, medical services and programs and activities were delivered from a mixture of military tents, marquees and modular buildings.</td>
</tr>
<tr>
<td>Establishment of RPC 2 temporary accommodation facility commenced</td>
<td>20 July 2013</td>
<td>Works performed by Transfield, engaged under separate contract to install a marquee style accommodation facility for persons of the family cohort. RPC3 facility initially comprised of vinyl marquee accommodation with all other support facilities, including mess, medical, administration and recreational facilities provided out of a mixture of vinyl marquees and modular buildings.</td>
</tr>
<tr>
<td>Construction of RPC 3 families accommodation completed</td>
<td>17 October 2013</td>
<td>Works performed by Canstruct, engaged under a separate contract to provide construction services to expand accommodation facilities at both RPC2 and RPC3.</td>
</tr>
<tr>
<td>Construction of RPC 2 and 3 rapid expansion project completed</td>
<td>24 December 2013</td>
<td></td>
</tr>
<tr>
<td>Staff Accommodation Site (The Village) Construction of staff accommodation facility completed</td>
<td>31 October 2013</td>
<td>Works performed by Canstruct. The facility accommodates staff in self-contained bedsits.</td>
</tr>
<tr>
<td>Fly Camp (construction camp) Establishment of fly camp for construction workers accommodation completed</td>
<td>July 2013</td>
<td>Works performed by Canstruct.</td>
</tr>
<tr>
<td>Modification of flycamp for use as settlement accommodation for single adult males completed</td>
<td>7 July 2014</td>
<td>Works performed by Canstruct and TSL. Canstruct construction crew relocated to RPC1 to enable re-allocation. Fly Camp facilities include, hard walled accommodation with shared abutions, recreation facilities and communal kitchen and dining facilities.</td>
</tr>
<tr>
<td><strong>Nauru Utilities Corporation (NUC) Potable Water Infrastructure Upgrade</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Installation of 500KL Avanale RO unit at NUC commissioned</td>
<td>October 2014</td>
<td>Works performed by Canstruct. In June 2014, Department of Immigration and Border Protection and the Government of</td>
</tr>
</tbody>
</table>

**CHAMBER**
Nauru reached agreement to enable the upgrade of the Nauruan Utilities water production infrastructure.

<table>
<thead>
<tr>
<th>Project</th>
<th>Date</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation of 800KL Osmoflo RO unit at NUC commissioned</td>
<td>7 January 2015</td>
<td>Works performed by Canstruct.</td>
</tr>
<tr>
<td>800KL Osmoflo RO unit at NUC commissioned</td>
<td>10 May 2015</td>
<td>Works performed by Canstruct.</td>
</tr>
<tr>
<td>Potable water infrastructure (ROWPU) upgrade at NUC completed</td>
<td>13 May 2015</td>
<td>Works performed by Canstruct. Upgrade of water production infrastructure at the Nauru Utilities Corporation includes the supply and installation of new reverse osmosis water production units, decant standpipe, new sea water intake pumps and backup power generation. The work has significantly increased Nauru's daily water production capability from 300 kilolitres a day to 2.2 mega litres a day, ensuring water security for the RPCs and the Nauruan community. Handover of operation of this facility to TSL occurred on this day.</td>
</tr>
</tbody>
</table>

**Nibok Settlement Accommodation Facility**

Construction of Nibok settlement facility completed | 7 November 2014 | Works performed by Canstruct. The facility provides modular style, self-contained accommodation for family cohorts.

**Ewa Settlement Accommodation Facility**

Construction of Ewa settlement facility completed | 8 March 2015 | Works performed by Canstruct. The facility provides modular style, self-contained accommodation for family cohorts.

**Security Fencing**

Installation of RPC 2 & 3 security fencing | March 2015 | Works performed by Canstruct.


**Regional Processing Centre 3 (RPC 3) Re-development**

Redevelopment of RPC3 commenced | July 2015 | Works performed by Canstruct. Australian Border Force is currently progressing the redevelopment of the RPC3 site to provide settlement accommodation.

**Nauru Primary School**

Construction of NPS | 22 July 2015 | Works to be performed by Canstruct. Australian Border Force is to install a new building consisting of up to 15 additional classrooms, staff office and administration rooms and install new ablutions on the site. Anticipated completion date is July 2016.

**Republic of Nauru (RON) Hospital Re-development**

Works to be performed by Canstruct. ABF,
Construction of RON Hospital  
July 2015  
in conjunction with the Department of Foreign Affairs and Trade, is to replace infrastructure destroyed by fire at RON hospital, and install new capability at the hospital. This includes additional surgical facilities, a pathology lab and dental services unit, as well as inpatient facilities. Anticipated completion date is February 2016.

Correctional Centre

Construction of correctional centre  
5 August 2015  
Works to be performed by Canstruct. In August 2013 the former Australian Government committed to building a new correctional centre for the Government of Nauru. On 5 August 2015, the Government of Nauru provided approval for commencement of works. Anticipated completion date is May 2016.

Attachment B

Australian Government response to the Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru interim report:

Interim report of the Select Committee

The Department of Immigration and Border Protection is working with the Parliamentary Standing Committee on Public Works in meeting its obligations under the *Public Works Committee Act 1969* in relation to works conducted in the Republic of Nauru.

The Department provided a response to the Parliamentary Standing Committee on Public Works on 14 August 2015.

The Department will continue to ensure that future public works in the Republic of Nauru are referred to the Parliamentary Standing Committee on Public Works in accordance with the *Public Works Committee Act 1969* (Cth).

September 2015