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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
SYDNEY           630AM

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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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
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<td>Abetz, Hon. Eric</td>
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<td>30.6.2017</td>
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<td>Birmingham, Hon. Simon John</td>
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<td>Brandis, Hon. George Henry, QC</td>
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<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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**Casual vacancy**

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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<th>Party</th>
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<th>Party</th>
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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.

** Casual vacancy to be filled (vice M Ronaldson, resigned 28.2.16), pursuant to section 15 of the Constitution.
PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—R Stefanic
Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
<td>The Hon Malcolm Turnbull MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td>Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td>Cabinet Secretary</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Counter-Terrorism</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Assistant Minister to the Prime Minister</td>
<td>Senator the Hon James McGrath</td>
</tr>
<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>The Hon Angus Taylor MP</td>
</tr>
<tr>
<td>Assistant Cabinet Secretary</td>
<td>The Hon Dr Peter Hendy MP</td>
</tr>
<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
<td>Senator the Hon Anne Ruston</td>
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<tr>
<td>Assistant Minister to the Deputy Prime Minister</td>
<td>The Hon Keith Pitt MP</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Steve Ciobo MP</td>
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<tr>
<td>Minister for International Development and the Pacific</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
<td>Minister for Tourism and International Education</td>
<td>Senator the Hon Richard Colbeck</td>
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<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon Michael Keenan MP</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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<td>Treasurer</td>
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<td>Minister for Small Business</td>
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<tr>
<td>Assistant Treasurer</td>
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<tr>
<td>Minister for Finance</td>
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<td>Special Minister of State</td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
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<td>Minister for Regional Development</td>
<td>Senator the Hon Fiona Nash</td>
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<tr>
<td>Minister for Infrastructure and Transport</td>
<td>The Hon Darren Chester MP</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td>Minister for Major Projects, Territories and Local Government</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td>Minister for Industry, Innovation and Science</td>
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<tr>
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<td>The Hon Greg Hunt MP</td>
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<tr>
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<tr>
<td>Minister for Aged Care</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
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<tr>
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<td>The Hon Ken Wyatt AM MP</td>
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<td>Senator the Hon Marise Payne</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
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* Senator Katy Gallagher’s appointment to the Shadow Ministry is effective from 1 November 2015. Senator the Hon. Jan McLucas will serve as Shadow Minister for Housing and Homelessness and Shadow Minister for Mental Health, and represent the Shadow Minister for Northern Australia, the Shadow Minister for Health, the Shadow Assistant Minister for Health, the Shadow Minister for Sport and the Shadow Minister for Indigenous Affairs in the Senate until 31 October 2015.
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Thursday, 3 March 2016

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

DOCUMENTS

Tabling

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

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

COMMITTEES

Foreign Affairs, Defence and Trade References Committee

Joint Standing Committee on Migration

Meeting

The Clerk: Proposals to meet during the sittings of the Senate have been lodged as follows: by the Foreign Affairs, Defence and Trade References Committee for a private meeting today from 10 am and by the Joint Standing Committee on Migration for a public meeting on 16 March from 9.45 am.

The PRESIDENT (09:31): I remind senators that the question may be put on any proposal at the request of any senator.

DOCUMENTS

Commonwealth Scientific and Industrial Research Organisation

Order for the Production of Documents

Senator KIM CARR (Victoria) (09:31): I am just wondering if I could get some advice from you here: was there a response to a return to order by the Senate in regard to the CSIRO? I understand it was due at 9.30.

The PRESIDENT: I cannot answer that question, but by leave you could ask the government.

Senator KIM CARR: by leave—I ask the government: what has happened to the return to order?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (09:32): I do not know. As you would appreciate, there are a range of returns to order and a range of questions on notice that are due from time to time. They are lodged in the ordinary course of events, and the minister at the desk would not necessarily be aware of what the status of any individual one of those is at any given point in time.

Senator KIM CARR (Victoria) (09:32): by leave—I ask the minister if he could make inquiries as to why the return to order has not been complied with.
Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (09:33): As I say, I do not know what the status is, but I am very happy to check for you.

Senator WHISH-WILSON (Tasmania) (09:33): by leave—On the same subject, is it possible to have a time set for when Minister Fifield will report that back to the Senate?

The PRESIDENT: Can we leave it with the minister? We might be asking the impossible to get a time from him, unless the minister can indicate a time frame.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (09:33): It is not my portfolio and I have no knowledge of the status of it. As a result of those two things, it is really not possible for me to state a time that I can report back.

Senator WHISH-WILSON (Tasmania) (09:33): by leave—Could I ask that you, Mr President, have a look at this—it was due at 9.30—as to whether we could set a time for some news or some sort of feedback to the chamber about this.

The PRESIDENT: As desirable as that may be from your perspective, it is not up to me; it is up to the government. It is the right of all senators to inquire of the government as to why the government has not completed an order, if that is the case. I think the questions have been asked quite sensibly by Senator Carr and yourself. The minister has taken those on board. The minister can report back to the Senate as and when he can.

BILLS

Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator LEYONHJELM (New South Wales) (09:34): Mr Deputy President, I rise to support passage of the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, a private senator's bill I introduced late last year.

In 1997, Kevin Andrews succeeded in pushing a private member's bill through federal parliament. It overturned the first legislation permitting assisted suicide in Australia, enacted in the Northern Territory.

Since then, not only does assisting someone to commit suicide remain a serious crime in all states, it is also a crime in the territories. Three states have life imprisonment as the maximum penalty, while in others the maximum penalty varies from five to 25 years.

This is extraordinarily cruel. The denial of the right to die at a time of our choosing can result in a lingering, painful death. It is also at odds with the fact that we have both a fundamental and legal right to choose whether we wish to continue living.

It is important to state this clearly, because people often forget suicide was once illegal and failed attempts frequently led to prosecution.

In medieval England, suicides were denied a Christian burial. Instead, they were carried to a crossroads in the dead of night and dumped in a pit, a wooden stake hammered through the body to pin it in place. There were no clergy or mourners, and no prayers were offered.
But punishment did not end with death. The deceased's family were stripped of their belongings, which were handed to the Crown.

This remained the case until 1822. Michael MacDonald and Terence Murphy, in *Sleepless Souls: Suicide in Early Modern England*, wrote: 'The suicide of an adult male could reduce his survivors to pauperism.'

This did not change because of a significant campaign for a change in suicide legislation. Instead, there was a gradual realisation that the laws of the day were at odds with society's view, and that care, not prosecution, was needed.

Dr David Wright, co-author of the book *Histories of Suicide: International Perspectives on Self-Destruction in the Modern World*, wrote:

From the middle of the 18th Century to the mid-20th Century there was growing tolerance and a softening of public attitudes towards suicide which was a reflection of, among other things, the secularisation of society and the emergence of the medical profession.

This freedom is now mostly well accepted. While suicide is often an occasion for sadness, there is also a recognition that people do not belong to their families or to the government.

An individual may have good reasons to take his or her own life. But even if they do not, it is still their decision to make.

But there is a catch. The law says we are only permitted to die by our own hand, without assistance. Indeed, in Victoria, New South Wales, South Australia and the ACT, reasonable force can still be used to stop a person from committing suicide. And if we are too weak or incapacitated to end our lives ourselves, we are condemned to suffer until nature takes its course. It is a serious offence for anyone to either help us die, at our instruction, or even to tell us how to do it ourselves.

One of the consequences of this is that it can compel people to end their lives sooner than they would like. Understandably, people prefer to avoid the risk that they will become incapable of committing suicide themselves, doomed to live out the remainder of their lives in pain and helplessness.

Most fair-minded people accept that painlessly ending animal suffering is an act of compassion. As a veterinarian, I have often had the decision to put an animal to sleep because animals are not people and cannot give consent. However, for us humans, even when we give consent and beg for help, the law prohibits the same compassion.

There is no better marker of individual freedom than the ability to decide what to do with our own body.

If the law prevents us from making free choices about it, then we are not really free at all; our bodies are not our own but are under the control of someone else who tells us what we can and cannot do with it. In reality, this is the state.

Yet bodily autonomy is well-recognised in other areas. Nothing prevents us from getting tattoos, dying our hair purple—if we happen to have hair—or sporting multiple studs and pieces. We are just not allowed the ultimate autonomy.

Legalisation of assisted suicide in Australia is long overdue. Opinion polls show that more than 80 per cent of Australians are in favour, across all political parties. It is high time governments accepted that on this deeply personal matter, their intrusion is not warranted.
Now, I turn to the inevitable objections.

Despite what some people think, this is not about bumping off granny to inherit the house. Assisted suicide is simply helping someone to do something that they would do for themselves, if they were not so ill or feeble.

The absolutely essential element is genuine, active consent. This is emphatically not merely implied consent or acquiescence. Ending someone's life when they have not given consent is murder. Nobody wants that.

Moreover, this is not about living wills or withdrawing medical assistance. Those are different issues.

Equally, those contemplating suicide should be made aware of the availability of palliative care to make their last days less agonising and should have treatment options in the case of mental illness. Indeed, the decision to die, with or without assistance, should be rational and well informed in all cases, including an awareness of the attitudes of loved ones left behind.

And of course, consent must be verified. I do not believe medical practitioners are any better qualified than anyone else to confirm this, but obviously the decision must be genuine. It is essential to ensure that the choice is made without coercion or pressure.

In the short term at least, the easiest approach to facilitate the path to legalising assisted suicide would be repeal of the Euthanasia Laws Act 1997—the 'Andrews bill' I referred to earlier. It removed the power of each of the territories to legalise assisted suicide, with a specific focus on repeal of the Northern Territory's Rights of the Terminally Ill Act 1995.

While it is too late to simply reinstate the Northern Territory act, repeal of the Andrews bill would send a signal to states and territories that their legislatures may now turn their attention to this issue. As a bonus, it would support federalism in law making. For too long, the Commonwealth has waded into areas that are properly the business of the states.

Allowing the states and territories control over their own affairs—which is the point of federalism—also allows innovation in law-making. During hearings for the Senate 'nanny state' inquiry—of which I am chair—I learnt that the Northern Territory does not require cyclists to wear bicycle helmets on cycle paths or footpaths.

As a result, the Northern Territory has high cycling participation rates. And despite having the worst road accident injury rate in Australia, when it comes to cyclists the Northern Territory's serious injury rate is the same as the national average and better than several states where helmet use remains mandatory.

In other words, small jurisdictions can be innovative, and this should be recognised by the Commonwealth. Indeed, I suspect that in response to passage of this bill the territories will come up with better assisted suicide legislation than the Northern Territory's original Rights of the Terminally Ill Act 1995.

Whatever we might think of the decisions others make about their lives, it is their decision, not ours. The law should respect their right to make their own choices. Whether as legislators or private citizens, our approval is neither necessary nor relevant.

And the permission of the government should not be required, just as it is no longer required with respect to suicide.

Passage of my bill will set the territories free.
I commend the bill to the Senate.

Senator BERNARDI (South Australia) (09:45): I remarked to one of my colleagues somewhat earlier that I think this is probably the fourth or fifth time that I have managed to speak on a very similar bill which purports to restore the rights of the Northern Territory and the ACT or to give them rights to which they are simply not entitled. They are constitutional arrangements. The Northern Territory and the ACT are not states. In fact, the Northern Territory rejected what was seen as a fait accompli to become a state and chose to still be subject to federal intervention and the ability of the federal parliament to override the state and territory laws. I think the people of the Northern Territory have rendered their verdict, and they are absolutely delighted with their current state of play. So this is not really about our constitutional arrangements, because that would be a matter for the people of the ACT and the Northern Territory. It is not really about states' rights, because the two jurisdictions we are talking about are not states.

The Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015 is just another vehicle to change how we treat and value life in this country. It is an ideological crusade for people who support euthanasia. I am not one of them. I respect that others have different views. We are going to hear them from some of my colleagues on my side of the chamber and the other side of the chamber. At its essence, this is about euthanasia.

Of course, Senator Leyonhjelm and others in this case always refer to the polls and how much widespread support there is for euthanasia. I can understand that, at any sort of superficial level, when people ask, ‘Should you be able to relieve yourself or get assistance in relieving yourself of a terrible death or pain?’ the instinctive answer from people is, ‘Yes, yes, we should be able to do that.’ But it is the same principle that applies if you ask people: should the death penalty apply in this country? Something like 70 or 80 per cent of the Australian people go, ‘Yes, it should.’ I am opposed to that as well. I think there is a serious and significant problem when we start asking the state to endorse the ability of individuals to take the life of other individuals in these sorts of circumstances.

In the case in point, when this was allowed in the Northern Territory, we had individuals who died who were not terminally ill. They were suffering from depressive illness maybe, but they certainly did not have a disease that was going to take their life. So we have a circumstance where, no matter what is said, the only evidence we have in this country is that it does not only apply to those who are terminally ill. In the only instance, which is in the Northern Territory, we found that a lady who had no significant illness was killed with the assistance of a medical practitioner. That, I think, proves the point that you cannot have absolute safeguards in introducing euthanasia into this country.

It strikes me as a little incongruous because I look at the example, say, of the Netherlands. The Netherlands was one of the first countries, if not the first country, in the world to introduce euthanasia. I think it was in 2001 that it was introduced. Of course, there were appropriate promises of safeguards then as well. There was never going to be any abuse of the system. It was only going to apply to those people who were truly terminally ill. Theo Boer, who was one of the advocates for it—in fact, he was a professor, I think, of ethics—in 2007 wrote:
... there doesn't need to be a slippery slope when it comes to euthanasia. A good euthanasia law, in combination with the euthanasia review procedure, provides the warrants for a stable and relatively low number of euthanasia.

Many of his colleagues drew a very similar conclusion. Indeed, for the first five years after it became law, physician induced deaths remained level. They even fell in some years. But Mr Boer went on to say how wrong he was—how terribly wrong he was—and that the stabilisation in numbers was 'a temporary pause'. In 2008, the number of cases started to grow and grow and grow. We now have circumstances in the Netherlands whereby children can request to be euthanased.

I find this quite extraordinary. There is no slippery slope, of course! We are told again and again and again that there are always going to be safeguards. We spend tens of millions of dollars dealing with mental illnesses and suicidal thoughts, preventing young people and adults and older people from committing suicide, helping them with treatment, and yet, in the place where physician assisted suicide was introduced in 2001, we now have circumstances where children can request to be euthanased.

It is strange that those who often are the strongest advocates for the intervention programs to prevent suicide in young people and adults are the same ones who are saying we should be allowing individuals to determine when they want to die. I just find that extraordinary. It is a duality that is not consistent. The evidence demonstrates, overseas, the slippery slope that does eventuate. As soon as you put a framework and a parameter around the ability for one individual to say, 'I have the right to die, and I want someone to help me die,' the boundaries upon which that is levelled are going to be continually challenged until we have circumstances, as has been demonstrated, like in the Netherlands, where children can be killed because they view a few people and say: 'I feel like killing myself. I don't want to live. I'm depressed. I'm ill.' We have circumstances where it is no longer physician assisted suicide; it is conducted, sometimes without reference to the patient, by nurses. The cases of that are legion.

I would say that, no matter what is implemented, euthanasia or any assisted suicide legislation can never be made safe from abuse. I note that Senator Leyonhjelm made the point that this is not about knocking granny off to get the family home or anything else, but it can place undue pressure on the elderly, who may feel they are a burden on their families and who may feel that they do not have a contribution to make anymore to society. I reject that in its entirety, but that is how some people may feel. They may feel despondent. They may feel that age has denied them of some faculties and they would prefer to die as a result. Do we really think it is right?

There was a case of 45-year-old twins in Belgium I think who were advised that they were going to go blind. They decided that they would rather die instead. If it is okay for 45-year-olds who are going blind to say, 'I don't want to live any more,' and die, what is the difference with a 30-year-old, a 25-year-old or a 22-year-old? Shall we continue down that path? When is it? Is it only 18-year-olds? Why then in the Netherlands are children allowed to make these requests?

The challenge for those who advocate in this space is to demonstrate that the slippery slope does not exist. The challenge for them is to explain to the Australian people why there is a divergence of approach. At what point does one have the right to die and at what point does
society have a responsibility to help people get through whatever the issues are that are causing them to want to take their own lives? We need to protect the vulnerable. This suggestion, dressed up as territory rights legislation, does not protect the vulnerable. It makes them even more vulnerable—vulnerable to external pressures and vulnerable to their own weaknesses and health issues. It virtually says, 'We don't value your life because it may be impaired in some way, shape or form.' I think that is absolutely wrong because we can all be vulnerable.

We know that people's mental health issues can come and go. They can receive treatment and recover. We have seen that so many times. It is wonderful that we have the medical and psychiatric care and appropriate medications and we can help people through counselling. Yet what we are basically saying through legislation like this is: 'That might be too hard. It might not work.' At what point do we say, 'We are not going to try it'? Is it because the individual says, 'No, I don't want any help'? With mental health issues, depression and things like that you cannot help how you feel. If you feel like you want to die, it is up to us to help you through that and to try to stop that from happening because every person has a contribution to make and we should value their life just as we value our own.

I also make the point that this sort of legislation built around euthanasia causes an extreme mindset change for medical professionals. I am not a medical professional. I have tremendous respect for their integrity. I know there are many medical professionals who feel that being part of an assisted suicide program for an individual is something that compromises their medical ethics, and there would be others of course who have a different view. For the state to enlist the help of medical professionals whose Hippocratic oath is to do no harm and assist others, particularly in trying to help them recover from illness, is I think a direct challenge to what that profession has always been.

Medical professionals make many judgements, particularly when it comes to palliative care, where the treatment can often result in the death of the patient but it is done under the auspices of relieving pain and suffering. There are always opportunities. As palliative care has increased in its effectiveness I think a case for euthanasia is entirely unnecessarily and, quite frankly, dangerous over the course of time. The dangers are abundant for anyone who really wants to become aware of them. We have seen circumstance after circumstance where euthanasia has been applied under circumstances which would never be envisaged by this parliament.

A 44-year-old woman was euthanased because she had anorexia. We spend huge amounts of money on intervention programs to save people from anorexia. It is a debilitating illness. It is something you can recover from. We spend an enormous amount of support, time, love and compassion trying to help people recover from this. If a 44-year-old woman can be euthanased because she has anorexia, do you make the case for a 19-year-old, an 18-year-old or a 15-year-old if they have the same rights? This is the sort of slippery slope that comes on in.

In 2014 the Belgian Chamber of Representatives voted 86 to 44 to allow for children to be euthanased. Remember it was never going to happen. Go back to all the debates—'It is never going to happen. We are never going to allow this to happen.' But now it has happened. In Belgium, the number of euthanasia cases in 2012 increased by 25 per cent, and that was only after it was legislated and legalised in 2002. Seventy-five per cent of euthanasia cases in the
2011 to 2013 time period in Belgium were for cancer, seven per cent were for progressive neuromuscular disorders—Parkinson's disease et cetera—and 18 per cent were for other conditions. It sort of opens up a dystopian world view—'I've got another condition.' It could be depression. It could be any other mental health issue—not feeling good, or, 'I've got anorexia.' They are other conditions.

So it was not just for terminally ill patients, just as it was not in the Northern Territory when euthanasia was legalised there. Sixty-nine per cent of euthanasia was performed on patients aged from 40 to 79 years, so only about 30 per cent was for that truly latter-stage demographic, the plus-79s—the 80-year-plus age group. So people aged from 40 to 79 were the bulk of them. A hundred and ninety-four cases over those two years, which is about nine per cent, involved patients whose deaths were not foreseeable in the short term, and two per cent of cases involved unconscious patients who had earlier signed advance directives. It is very easy to sign an advance directive and say, 'Well, if I'm unconscious I don't want to live,' until you are not given that choice anymore. Circumstances change. What happens if you have signed it 10 years before? Is there a time limit on it? What if your mental health condition is different from when you have signed those sorts of things?

When this debate is opened up—and it is a perennial debate that is going to continue, I am sure, many times—I am continually struck by the inconsistencies that are applied to the right to die but then to society's obligation to protect people from their wish to die, because they want to have it both ways here, and it does not work. I happen to believe, and quite passionately, that every life is precious. I think that we have an obligation to help people through troubled times, and I think we have an obligation to provide people with the best possible palliative care that we can. It is not through any cruelty. It is not through any wish to see people suffer. It is simply an awareness that, once we open this Pandora's box, we do not know what is going to come out of it. The examples internationally are there for all of us to see, and there is yet to be any definitive legislative instrument anywhere in the world that can safeguard against the progression of this sort of demand.

What strikes me is that when I was a young man—or younger, I should say—I used to see a show called Logan's Run, and it was about a society where people, when they got to 30, were deemed unnecessary and not worthwhile anymore, and their lives were terminated. Logan was the chap who managed to escape and run away, and they went hunting him and everything else. That is science fiction. It is a futuristic thing. It probably has no basis in reality, but the reality is that, if we start to say that just because you feel bad at a certain age or you might be a burden on the community or you feel you are a burden on the family and you feel, 'I want to die,' that sets the benchmark. We are never going to extend that benchmark. We are never going to make it harder to reach. History demonstrates again and again and again that, once you draw a line in the sand, there are always demands for that line to be moved, and it never makes it harder to reach that line; it always become easier and easier.

That is the problem. That is the risk with human nature. People think they are doing the right thing by assisting someone and making the claim that it is only going to be nonagenarians or whatever that will be availing themselves of this, but it is not. It might start that way, but then we do not know where it is going to end. But the examples overseas provide us with a very clear indication of the types of risks we face: people not even
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consenting to euthanasia being killed by nurses, without reference to a doctor, and cases involving children, people with anorexia and people with depressive illnesses. Just because you say, 'I don't feel like living anymore,' the response is, 'Yes, it's okay; you've got the right to get someone else to kill you.' I just find that extraordinary, and yet that is the absolute lived example. It cannot be denied by those here. They might say it will not happen here, but they cannot provide any safeguards for it whatsoever.

So once again we are debating the merits of this bill. I understand that there may be these compassionate views, however they want to dress them up. They can say this is about states' rights for the territories, but the territories are not states, and the reason the states have not enacted this sort of legislation is that they know there is no protection for it. We have to protect the vulnerable people in our community.

Senator GALLAGHER (Australian Capital Territory) (10:05): I rise to speak in support of the Restoring Territory Rights (Assisted Suicide Legislation) Bill 2015, and I would also like to acknowledge at the outset Senator Leyonhjelm and his office for the work that they have done in bringing this bill to this chamber. I speak in support of this bill both as an ACT senator and as a former Chief Minister of the ACT. My support for this bill relates to my concern at the level of interference the so-called Andrews bill represents as to the appropriate level of responsibility which should be afforded to both territories in relation to their capacity to legislate on behalf of their constituents.

I believe the focus of the debate on this bill should and must be the restoration of the democratic rights of the territories to pass laws in the best interests of their citizens, which were trammelled so thoroughly in 1997 when the original Euthanasia Laws Act was passed by the federal parliament. I note that it is almost 20 years since this legislation was passed. In that time, both territory parliaments have continued to legislate as mature jurisdictions in our nation. There are some 630,000 people that live in the ACT and the Northern Territory, and their governments are responsible for running hospitals, schools, child protection, jails and multimillion-dollar economies. Much is made of the promise of northern development and the knowledge economy of the ACT, but at the moment both jurisdictions are barred from debating or legislating for the rights of the terminally ill. This is wrong in my view, and it is timely that we revisit this legislation. We now have the opportunity to reflect with the benefit of 20 years hindsight on what has changed in relation to our view of the democratic rights of the territories and hopefully come to a view that it is time to remove the constraints embedded in the Andrews bill, for the right to debate and legislate on an equal basis with the states.

The objectives of the bill are fourfold. Firstly, it will reduce the extent of Commonwealth interference with the laws of the ACT and the Northern Territory. Secondly, it will contribute to competitive federalism by encouraging states and territories to legislate and refine and improve law-making. Thirdly, it will recognise the right of the ACT and the Northern Territory to legislate on euthanasia in their respective jurisdictions. Finally, it will also allow the Northern Territory parliament to revisit, at a time of its own choosing, new legislation which addresses, in a similar vein, the rights of the terminally ill as originally contemplated in the Rights of the Terminally Ill Act 1995.

This bill is about restoring democratic rights to both the ACT and the Northern Territory parliaments to legislate in relation to euthanasia on their terms, in their words and on behalf of their citizens. It does not compel these parliaments to legislate; it merely restores the right to
do so. It is up to them to legislate, not the federal parliament on their behalf. In supporting this bill, I am merely recognising that these two jurisdictions should and must have the right to legislate on their own behalf.

I also challenge senators who believe this legislation should be opposed because it could lead to either or both territories legislating to allow euthanasia to stop and consider what I believe is the overriding argument in favour of supporting this bill. The people of the Northern Territory and the ACT should have the same rights as every other Australian citizen, whether they live in Alice Springs, Tuggeranong, Sydney, Melbourne or Adelaide. I suggest that if you vote against this bill you are in effect saying to all territorians, whether they are an SES officer in Forrest or a stockman in Katherine: they are, in your view, second-class citizens; the federal parliament wants to continue to treat them in a paternalistic way; they are not full citizens; and we know best what to let them and their elected representatives do in regard to the rights of the terminally ill. Or is your argument that we federal parliamentarians trust and respect the individual citizens of each territory but not their politicians or the maturity of their parliaments? On what basis and evidence would any of you come to that conclusion?

In asking you to stick to the big picture and to put aside the highly emotive issue of euthanasia laws, I am not being deliberately naive about either the emotional or the ideological baggage which comes with this kind of debate. Supporting this bill is not about whether or not you support the rights of the terminally ill to die in dignity and at a time of their choosing. I would contend that is a completely separate issue to the one we are debating today. Today is simply about the right of each territory parliament to legislate as they see fit in this regard. Surely, the debate about the rights of the terminally ill should be had in the jurisdiction which contemplates introducing laws to allow for some form of euthanasia. Given the seriousness of the debate around the right to die in dignity, we should expect a vigorous and exacting debate in each and every jurisdiction which contemplates legislating in this regard. Our citizens deserve and demand community consultation, debate and careful elaboration of the implications of the rights and protections which would be afforded to them in such legislation. But that is not what we are here to do today. Today we are debating whether or not to repeal an undemocratic law which restricts the rights of two parliaments of Australia and to restore those rights to citizens of the ACT and the Northern Territory, through their parliaments, to legislate as they see fit in this regard.

When you look at some of the material that was prepared for the Andrews bill in 1996, there was a current issues brief prepared for parliamentarians seeking to understand the issues raised by the Andrews bill. It outlines the impact of the bill, including the overturning of the Rights of the Terminally Ill Act, together with the impact on the territories' powers to pass other kinds of laws. The issues brief says:

These laws may include 'refusal of medical treatment' legislation of the kind that already exists in the Northern Territory and in the Australian Capital Territory, and legislation that clarifies the legal position of a doctor who administers palliative care that hastens a patient's death.

It goes on to explain the Constitutional effects:

Section 122 of the Australian Constitution confers a power on the Commonwealth to make laws for the government of any Territory. This is a plenary power, unlimited by subject matter. The Federal Parliament therefore clearly has the constitutional power to enact a law that has the effect of overturning...
the RTI Act. There may be some doubt, however, as to whether the way in which the Andrews Bill seeks to bring about this result is within the scope of the Commonwealth's powers under section 122.

The digest also points out:

The central constitutional question raised by the Andrews Bill is, however, political rather than legal. That question is whether or not it is acceptable politically for the Commonwealth to take back part of the legislative powers it conferred on the Northern Territory, the Australian Capital Territory and Norfolk Island at self-government.

The Senate Standing Committee for the Scrutiny of Bills reported on the Andrews bill on 18 September 1996. As senators would be aware, part of the watching brief of the scrutiny committee is to examine whether legislation breaches certain principles, including whether or not a bill trespasses unduly on personal rights and liberties. According to the bills digest, the following matters were raised by the scrutiny committee in relation to the Andrews bill:

- The Commonwealth Parliament having given the Legislative Assembly of each Territory the power 'to make laws for the peace, order and good government' of each Territory, would, by this bill, negate the valid exercise of that legislative power by one of them.
- The Commonwealth Parliament, by this bill, proposes to intrude on the lawmaking function of the Territories not in accordance with a general principle but on an ad hoc basis. This threatens the certainty which ought exist for its citizens when any one or more of the Territories passes a valid law.
- The Commonwealth Parliament, while undoubtedly having the power to pass this bill, would, by so doing, create a situation where some Australians are treated in a way different from other citizens because it curtails their present right to self-government in circumstances where, were they to live in the States, it could not do so.

It goes on to say:

- The Northern Territory (Self-Government) Act 1978 has now been in operation for a number of years and, up to the time this bill was introduced, people living there had the reasonable expectation that the statute would not be amended to deprive their Assembly of a power it had held for over a decade and a half. This bill now puts that reasonable expectation at risk.

The final point was:

- This bill, if passed, would override the decisions of the democratically elected government of the Northern Territory when it appears that there would be no head of power or international convention by which it could override the same or similar legislation enacted by the States.

The committee also commented that the bill's provisions 'may be considered to trespass unduly on personal rights and liberties', in breach of principle 1A(i) of the committee's terms of reference.

In April 2012, in my role as Chief Minister of the ACT, I made a submission on behalf of my government to the ACT Legislative Assembly's Standing Committee on Administration and Procedure's review of the ACT (Self-Government) Act. In my submission to the review, I drew attention to the comments of Professor Halligan's review of the application of the Latimer principles within the ACT:

The ACT remains in some respects a stunted system of governance that has been constrained by another level of government and lack of agreement on key strategic issues. The single most significant constraint on good governance in the ACT, apart from scale and resourcing relative to its responsibilities as a state and municipal entity, has been the Australian Capital Territory (Self-
Government) Act 1988, which has imposed severe limitations on the autonomy and power of the jurisdiction. The right of a federal government, whether by legislation or ministerial fiat, to veto territory laws has reduced the status of the ACT to that of a protectorate.

At the time, I argued that a preamble should be inserted into the ACT (Self-Government) Act which outlined the principle of the territory's democratic self-determination and explicitly set out the Commonwealth's legitimate interests and powers in relation to ACT, including reference to the fact that the people of the ACT give the assembly its political mandate to govern the territory. Pertinent to the debate today, I also noted that sections 23(1A) and 23(1B) of the self-government act prevent the ACT from making a law with respect to euthanasia. I argued that this constraint on the ACT's legislative power should be removed and that the government viewed its inclusion as an unnecessary constraint on ACT policy choice—a constraint that is not possible in the states.

Senators might also note the comments of well-regarded constitutional expert Professor George Williams of the University of New South Wales Faculty of Law, who commented in his submission to this review of the ACT (Self-Government) Act, of the conditions imposed by the Commonwealth:

This left the ACT system of government with several features more akin to a nineteenth century colonial possession than a modern Australian Territory.

Professor Williams recommended:

… provisions could simply deleted were they are obsolete or inappropriate—

including restrictions on the power of the legislative assembly in section 23.

In the final report of the review of the self-government act, a majority of the assembly's committee members voted to recommend that subsections 23(1A) and 23(1B) be removed.

In summary, it is clear that, in the ACT's recent review of the self-government act, expert witnesses identified subsections 23(1A) and 23(1B) as unnecessary constraints on the ACT's legislative powers, which the properly constituted parliamentary committee and government strongly supported.

It should also be noted that amendments made to the act in 2011 did not preclude the Commonwealth from involvement in ACT legislative processes. I am talking here about what existed prior to 2011, the executive veto power, which was used to overturn the ACT Civil Unions Act back in 2006. Of course, the executive veto provision no longer applies after legislation passed the Commonwealth parliament in 2011 which requires a vote by both houses of federal parliament before a territory law can be overturned. That reform added a refreshing element of transparency to the process in requiring that intervention be subject at least to debate in the upper and lower houses of federal parliament, rather than by just the swipe of a minister's pen.

When I was doing research for this debate, it was interesting to go back and look at the history of the Rights of the Terminal Ill Bill that came before the parliament of the Northern Territory. On 22 February 1995, the then Chief Minister of the Northern Territory introduced the bill into the Northern Territory Legislative Assembly as a private member's bill. The bill was immediately referred to a select committee, which reported some months later. The committee received over a thousand submissions, took oral evidence and conducted hearings.
in Darwin, regional centres and a number of Aboriginal communities. The Bills Digest notes, of the committee:

Its report contained recommendations in relation to the Bill but made no recommendation on euthanasia per se.

In the Legislative Assembly, the vote was 13 to 12 that the Bill be read a second time. In the Committee stage of debate, 50 amendments were introduced. On 25 May 1995, the Northern Territory Legislative Assembly passed the Rights of the Terminally Ill Act … by 15 votes to 10.

As it goes on to say, that act provided a statutory regime which made lawful, in certain circumstances, physician-assisted suicide and active voluntary euthanasia.

There were several subsequent attempts to repeal the act which were not successful. An amendment bill was passed in February 1996 which included an increase in the number of doctors required to examine and certify that a patient met the statutory criteria under the act, from two to three. The amending act also clarified the qualifications that doctors had to possess and amended the interpreter provisions. It was not until six months later, in June 1996, that Mr Kevin Andrews foreshadowed that he would introduce a private member's bill into the federal parliament to override that act, which had been democratically passed by the Northern Territory parliament.

The reason I reflected on that for a moment was to show that there was a process, a thorough process which surrounded the legislation in the Northern Territory—the opportunity for consultation, debate, amendment and, finally, the passage of that act. It was the Northern Territory parliament operating in exactly the way it was established to do. However, that act did offend some members of the federal parliament, and a legislative sledgehammer was brought down on that act and has remained in place for the last 20 years. It has certainly constrained the ability of the ACT and Northern Territory parliaments not just to pass legislation but even to debate it or have that conversation with their communities. Here in the ACT we are in a ridiculous position. If you live in Queanbeyan, your government at the state level is allowed to have that debate and that discussion, but if you live on the other side of the border, even three minutes away, you are not allowed to. That is the inconsistency that applies across the country.

It was sobering to remind myself when I was thinking through the issues raised by this bill that the Northern Territory's euthanasia legislation was a world first. No wonder its passage and the subsequent reaction by opponents of this issue looked to federal parliament to block its path. What I am hoping for in this debate today, some 20 years on, is that time has helped us all to see a little clearer and better understand what was good and bad in the way our federal parliament approached the challenges thrown up by the Northern Territory parliament's groundbreaking legislation, and that we have all learned lessons about how we deal with such a matter in a way which could respect the rights of all of our citizens and that we are prepared to legislate to restore rights and act in a way which does not unduly interfere with the parliamentary processes of any other jurisdiction. I commend the bill to the Senate.

Senator DAY (South Australia) (10:23): Like any piece of legislation, the sensible place to start is with the facts, the definitions. What is euthanasia? What is not euthanasia? Herein, I believe, lies great confusion in the community, particularly when asked to consider opinion polls. Before considering what euthanasia is, let us begin with defining what euthanasia is not. The Australian Medical Association policy on euthanasia spells out what euthanasia is not.
None of the following is euthanasia: not initiating life-prolonging measures, for example, using a heart defibrillator; not continuing life-support measures, such as turning off life-support equipment; not offering futile care, such as ceasing prescription medication; the administration of treatment or other action intended to relieve symptoms which may have a secondary consequence of hastening death, commonly known as the doctrine of double effect, such as the administration of strong morphine dosage.

Almost every Australian knows of a usually elderly relative, or perhaps even a close relative, who has died and the difficulty in seeing them die. That most likely informs their view on euthanasia. But no poll seeks to explain to them properly what euthanasia is and is not. People who are polled are also dismissive because they are not faced, at that moment, with an end-of-life decision. Lawyers tell me that, when preparing what are now known as 'advanced care directives', clients are, before proper advice, quite dismissive about their care options. 'Just flick the switch', they say. But when they or a loved one are faced with a situation it is not that simple.

The poll we so often hear is that 70 or 80 per cent of people support dying with dignity. Yet I wonder what the result would be if a different question were asked. For example, faced with a terminal illness, should we care for the patient, or kill the patient? I wonder what the result of that question would be? Progress can never be achieved if you are travelling down the wrong road. If this bill is successful, the nation will begin the long march. We will be moving forward but away from the truth. We will be moving into deeper error with every step.

Euthanasia is presented in many shapes and forms, but it is united in a single idea: the intentional, premature ending of life. Over the years this has been cloaked with many euphemisms—the 'right to die', 'mercy killing', 'dying with dignity', 'aid in dying' and so on. Yet behind this curtain is an increasing appeal to self-determination and autonomy. Around the world more and more people are asserting their libertarian freedom: 'I am the captain of my own ship and master of my own destiny', and 'If you have a right to life, then you have a right to determine when to end that life.' Although all euthanasia laws are introduced with supposedly rigorous safeguards, the reason they never hold is that, eventually, those safeguards are considered unfair, restrictive and even paternalistic.

Terminally ill people are overwhelmed, often depressed, easily influenced and extremely vulnerable. In truth, they have far less autonomy during this time than at any other time in their lives. It is very likely that they will require their families and friends to routinely assist in their care. Tending to the needs of sick loved ones and sticking with them to the end is a dignified display of love and selflessness. Most importantly, it is a witness to outsiders of sacrificial love and familial obligation. For those who do the caring it forges a character of resilience, enabling them to persevere in times of trial. For those who do the dying opportunities develop to reconsider past hurts and biases and for reconciliation and making peace. End-of-life moments can be the most powerful healing moments for the dying person and their loved ones.

Assisted dying offers an alternative—of evasion and abandonment. Family and friends cannot face the emotional investment or the painful reality of suffering. Even in the most loving of families, there are requests for doctors to refrain from dragging things out. It is often not the dying person but the family member who wants the suffering to end. In worst cases,
there are ulterior motives for wanting the death of a relative. We are only beginning to understand the extent of elder abuse. We have to realise that in some cases what began as a well-intentioned exercise in being a carer for another person can become such a burden that dark thoughts and schemes develop, particularly where money is involved—be it real estate, funds, or the proceeds of a life insurance policy or policies. No matter how many safeguards, checks or balances you have, the hunger for power, revenge or money can steer its way around many hurdles.

Perseverance and patience have become scarce in our culture of rights. The emerging moral vacuum favours permissiveness before forbearance. Burdens are now felt as intolerable intrusions into one's life and happiness. Worldwide, doctors are feeling the pressure to conform to these new expectations. They are placed in an impossible situation, forced to reconcile their Hippocratic oath with a new-found directive to euthanise. Their great skill, developed over years of effort towards treatment, is now twisted by assisting death—or, more properly, killing.

As with many other emerging rights, conscience exemptions are reluctantly granted or refused altogether. A few years ago, the Royal Dutch Medical Association declared it a professional duty to euthanise by killing those who legally qualify or by referring them to another physician who will. Theo Boer, a Dutch professor of healthcare ethics, recently admitted that his country had got it wrong. He said:

Whereas assisted dying in the beginning was the odd exception, accepted by many — including myself — as a last resort … Public opinion has shifted dramatically toward considering assisted dying a patient's right and a physician's duty. … Pressure on doctors to conform to patients' or relatives' wishes can be intense.

Your complicity or your career. Enough is never ever enough. Perhaps that is why to date medical professional bodies' policies have been hesitant to endorse euthanasia. Why breach centuries of medical ethics?

There are alternatives to prematurely ending a patient's life, such as improving our already excellent palliative care. In fact, a greater presence of such care may have made the Northern Territory euthanasia bill of 1995 unnecessary. During an inquiry in 2009, Professor Ray Lowenthal said:

It is no coincidence that the previous Northern Territory euthanasia legislation was set up at a time the NT had no palliative care services whatever. The instigator of that legislation, Mr Marshall Perron, has even been quoted as admitting that when he introduced the legislation into the parliament he had never heard of palliative care.

Now that such care is widely available, the former act should stay where it is—dead and buried.

But it is too late for victims elsewhere. Both Belgium and the Netherlands started with compassionate intentions and supposedly rigorous safeguards when crafting their euthanasia laws. Like all nations travelling the wrong path, these assurances were proven all but false. Gradually, they have gone off the rails. In the modern and regrettable climate of censorship, it is virtually forbidden to raise concerns about slippery slopes. Following ideas to their logical conclusion is dismissed as fearmongering, exaggeration or cheap scare tactics. But we are not dealing with hypotheticals here. The gate has flung open and all of the so-called safeguards have been trampled under the weight of progress. Belgium has recently approved a request to
die from a 24-year-old woman with mental health problems. Known only as 'Laura', her suicidal thoughts led her to declare: 'Life; that's not for me.' Despite all of the unknowns of the future, a negative prognosis has been given to her remaining decades. Hopelessness has been given the green light.

How does euthanasia interface with preventing suicide? If legislatures say it is acceptable for one person whose life has become unbearable to end their life, how does the suicidal person respond? In Oregon in the USA, where euthanasia is legal, the suicide rate has risen. And here is the great paradox in our community. On the one hand, we all applaud suicide prevention programs. Now, we applaud and facilitate assisted suicide. So at what age does a person no longer qualify for the suicide prevention program and enter into the suicide facilitation program? At what age? How do we define a person? When does a person qualify or no longer qualify for support and assistance with suicide prevention and then get shunted off into the suicide facilitation program?

It is a perversion of the word 'treatment' to 'cure' a young woman's suicidal thoughts by ending her life. Since when was killing treatment? No matter how qualified, assisted death is now a state endorsed remedy for emotional and psychological hardship. And this is far from an isolated case. I quote once again Professor Boer:

Whereas in the first years after 2002 hardly any patients with psychiatric illnesses or dementia appear in reports, these numbers are now sharply on the rise. Cases have been reported in which a large part of the suffering of those given euthanasia or assisted suicide consisted in being aged, lonely or bereaved. They were the symptoms that they suffered from: they suffered from being old, they suffered from being lonely and they suffered from bereavement. Are these the people who no longer qualify for suicide prevention program assistance? Are these the people we now move into the suicide facilitation program?

'Laura' is just one of the five people killed each day under Belgium's assisted dying laws. Further studies have revealed cracks appearing around consent safeguards. Professor Cohen-Almagor of Hull University discovered that life-ending drugs were administered to 30 Belgians in 2013 without—I repeat, without—explicit consent. Involuntary euthanasia appears to be emerging, despite strict provisions that were supposed to guarantee voluntary euthanasia. Tragically, even children are becoming caught up in cultures transformed by these laws. The Netherlands, for example, permits children as young as 12 to be killed, and there is public support growing to include those under the age of 11. Belgium has no age restrictions whatsoever.

The writing is on the wall: so-called 'safeguards' have not prevented a comprehensive weakening of medical and legal standards. What was intended for the elderly has now become available to all ages, including children. What was intended for physical illness is now for mental illness. What was intended for terminal illness is now for serious illness. What was intended to be consensual is now nonconsensual. Soon, euthanasia will be available for good reason, bad reason or no reason at all.

The weight of evidence is an embarrassing rebuke to advocates of so-called 'safeguards'. There are none. No safeguards are safe, nor are they guards; they have more holes than a Swiss cheese. The law will not stand still for very long. Once people have adjusted to a so-called 'new normal' the safeguards will be continually reviewed and seen as intolerant,
dispassionate and cruel, and as something that should also be removed. We do not have to turn to other nations to see this in action. It has happened in our own country. Some of the people euthanised under the Northern Territory bill from 1995 were not even terminally ill. That is a shambles, considering there were only four in total.

I pause for a moment when speaking of the Northern Territory, to highlight its higher percentage of Aboriginal people—many of whom do not live near hospitals. The Aboriginal population is not fond of euthanasia at all, and legislating it will create an environment where they are disinclined to seek health treatment for fear of involuntary euthanasia. Many people believe in supernatural healing. For some, euthanasia is sorcery and against customary law. Submissions from Aboriginal people to the Northern Territory Select Committee on Euthanasia were overwhelmingly against euthanasia. One submission from a Yolngu woman stated:

We were and are nomads, hunters, food gatherers, ceremonial and cultural people who just, and will give, comfort and tender loving care to our terminally ill relatives.

I will say that again, 'We will give comfort and tender loving care to our terminally ill relatives.' She continues:

Because our terminally ill relatives know that they are dying they usually always want songs to be sung, they want to hear the last sound of their traditional songs and the sound of the didgeridoo and clapsticks.

In conclusion, euthanasia is more likely to reduce health improvements in the Northern Territory Aboriginal communities as they stay away from a euthanasia environment.

It is fashionable, I know, to talk of a dignified death. But death itself is a wholly undignified and tragic reality. It is a very personal reality, one that cannot be resolved by its acceleration. To burden our doctors— (Time expired)

Senator IAN MACDONALD (Queensland) (10:43): This Restoring Territory Rights (Assistant Suicide Legislation) Bill 2015 covers a range of reasonably complex issues that are not really related. I just want to give my thoughts on the separate issues that arise in this bill.

I listened with interest to Senator Day's speech. I have heard those sorts of comments before, at an inquiry which the Legal and Constitutional Affairs Legislation Committee conducted into a similar bill—a dying with dignity bill—some time ago. I also heard the other side of the story. At that committee hearing we had evidence from a youngish man, who was supported at the hearing by his wife and young children and who clearly indicated his wish to be able to get medical assistance to terminate his life when things got to a stage where his cancer was just intolerable.

I am a reasonable human being, I think. Hopefully it will never happen to me, but, if I do get to the stage that I have seen many of my relatives, I would want the right to make my own decision on how long I stay on this earth in absolute agony, without any friends and without any relatives—sitting there and more or less just waiting for the days to pass until I die. I would like to have the ability to make my own decision. In spite of what Senator Day and others have said, the bills that we looked at all had safeguards. It is not a matter of people killing people—and there was a lot of emphasis on the word 'kill'. It is about those who are able to make a decision getting a medical practitioner to assist with the termination of life without the medical practitioner being legally responsible for a crime.
If I did want to terminate my life, I would not need legislation and I really do not need a doctor. I do not need anything. There are lots of ways: you can slit your wrists; you can steal a gun and blow your brains out. You can do many things. This only applies to people who can make the decision. It does not apply to children or people who are of unsound or infirm minds. It is only where you can make the decision yourself. Some of the bills we looked at required one or two psychiatrists to certify that you were capable of making the decision. As I say, anyone can terminate their life, but, when that time comes, you would hope that you might be able to get some medical help to do it in a reasonably dignified way.

My views are of course my own, but they are reinforced by the instance of my mother, who was a wonderful person. She was a very Christian lady and was very helpful to her family and everyone else in the community. She had a stroke and one side of her body was paralysed. She could not speak and could not write, but she learnt to say a few words and learnt to write left-handed. She spent eight years in hospital fighting it. She got to a stage, though, where all she wanted to do was get out of this life, and she could not. It was almost funny: she would play hide and seek with the nurses. They would keep giving her pills every day and she would put them in her mouth until the nurse went away and then she would take them out of her mouth and throw them under the bed. Every week the nurses would do a search of her room and would find a little cache of pills that she was supposed to be taking to keep her alive. They beat her at that. She eventually starved herself to death, and that is not a nice way to go. She did not have any money and the family were all supportive, but she wanted to go and the only way she could do it in the end was by refusing to eat food, and that was an awful way to go.

In the last year I saw the same situation with my sister. I spent as much time with her as I could. She would often say to me, 'Ian, if only I could go; if only I could leave.' I used to encourage her the other way, but she wanted to go. I saw her go through this over a period of six or more months. I often said to my wife as we were going home from visiting my sister, 'We wouldn't do this to our cat.' In fact, we had a cat and we were very attached to the cat. The cat had very difficult diseases and we spent a fortune at the vet. Eventually we paid the vet to come and do a home visit. We sat with the cat on my knee while the vet terminated its life. We just could not bear to see the cat go through that sort of agony, and yet when it comes to people we tolerate it.

Everyone will have their own views on this. When this matter came before the Legal and Constitutional Affairs Legislation Committee, the only recommendation of the committee, apart from some technical legal things, was that, if this matter ever came to a vote in the parliament, party leaders should allow it to be a conscience vote. That was as far as the committee would want to go. For these reasons—and I have mentioned them in these sorts of debates before—I would favour some sort of legal medically assisted termination of a life with all of the safeguards. I do not share Senator Day's horrible thoughts about humanity and all of the issues: people wanting to 'kill', in his words, because they would get the property quicker or they would get the money quicker and they would not have to bother. I do not think most people are like that. I am sure there would be some like that in this world, but I think most people in the world would not fit that category.

I want to briefly go to the other aspect of this bill, which again causes some complexity. I think I was territories minister when the last referendum came forward for the Northern
 Territory. I think a lot of people in the Northern Territory wanted statehood, but I have to say that the government at the time—which was a government of my persuasion, and I think they confess this—completely messed up the process and, as a result, the referendum went down. So I have a bit of a feel for the Northern Territory. I would like to think that they could become a state and be like everyone else, but the total population of the Northern Territory is about 250,000, which is about the same size as the regional city in which my office is. Townsville has about 250,000 people. Can the Northern Territory afford to run a state? Can it afford to pay its own way? I doubt it. If that is the case and they continue to rely on Commonwealth finance, what is the purpose of it? There is talk that it would give them greater representation in the federal parliament. Instead of having two lower house members they might have more. Instead of having only two senators, they might have 12. It would be a state with 250,000 people having 12 senators. My town of Townsville shares 12 with the rest of the state and only has one based in the city, which is me. If it is going to happen in the Northern Territory, perhaps we should get 12 senators in Townsville as well. Whilst that is a ridiculous proposition, it does show the difficulties. On balance, I would be happy enough with the Northern Territory becoming a state, I guess, but I do not think it is really practical and I am not sure that in the end it is a result that most Northern Territorians would seriously want.

With the ACT I have a different view, and it is not the colour of the government I might hasten to add. I do think the ACT is the seat of the national capital of Australia. I do think that the Australian parliament should retain some sort of ability to oversight what happens in this city-state, city-territory, which is really not a state but a Commonwealth, a federal, institution which is the national capital. Of course, the founding fathers of the country in those early days thought long and hard about where the capital should be. Should it be in Sydney or Melbourne? Well, that could not happen. A lot of thought was put into where and how the capital of the nation should operate. That is why I always think that the federal parliament must retain some influence over where the governance of this territory is. I am very conscious that many Canberrans did not even want self-government. When you look around I can understand why because they used to get the taxes from the rest of Australia to pay for the building of infrastructure in Canberra. So, if you are Canberran, why would you want to take that on yourself? Canberra is a very favoured city. It is a very lovely life living here. It is a beautiful city built by the taxes of everybody else, not just taxes of Canberrans.

I do think there needs to be some Commonwealth oversight over the national capital. I remember the first election. I think there were three candidates elected, who were from the No Self-Government Party. I think there was a fourth who had a similar view. I have always thought that, in retrospect, perhaps the best idea for Canberra would have been to have a local government with some additional powers, but with the Commonwealth retaining a big influence in what happens in what is, effectively, the city of all Australians, not just of Canberrans.

With those few words—and I am conscious other people want to speak on this debate—that is the way I see this particular bill and other bills that have been similar to this. I guess it is a debate which will continue for a long, long, period of time into the future.

Senator DAY (South Australia) (10:55): I seek leave to incorporate the remaining few words I have in my speech into Hansard.
Leave granted.

The incorporated speech read as follows—
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-agents of healing and life—by forcing them to participate in premature death, in killing, is a distortion of their vocation. Worse still, forcing them to do so against their conscience is a dangerous path indeed.

The law is a teacher. Returning Australia to assisted suicide will only serve to dull our collective conscience. Australia is not a special case. We are not immune from dehumanising cultural forces.

Far from trivialising the existence of pain and suffering, our institutions and laws need to be united in an affirmation of life. This affirmation is a powerful force for good; preserved by the sacred, immutable truth of human dignity. To conclude with the words of G K Chesterton,

"Think of all those ages through which men have had the courage to die, and then remember that we have actually fallen to talking about having the courage to live."

Senator CAMERON (New South Wales) (10:55): I am pleased to contribute to this debate. I never thought that I would ever stand up in this place and say that I agree with most of what Senator Macdonald outlined in his contribution. I also tend to agree with Senator Leyonhjelm with the issues that he raised, but probably not from the same philosophical basis.

Certainly, with this issue of restoring the territory rights, let me go first to the issue that Senator Macdonald finished on, which is the rights of the territories. I think what happened with the removal and the intervention by the Howard government into what was an issue that was debated democratically in the Northern Territory was not an act of democracy. It really was an act of ideological and some religious approaches on the legislation that was determined in the Northern Territory.

I think the territories should have rights. They should have rights to certainly deal with this issue of euthanasia. I note the name of the bill that Senator Leyonhjelm put up is the 'assisted suicide legislation'. I have some argument with that because I think there is a difference between suicide and euthanasia. Suicide, as I understand it, is the act of intentionally taking one's life. The definition of euthanasia, as I understand it, is the deliberate ending of the life of a person suffering from an incurable disease, so I think there are two completely different propositions here. Apart from the inclusion of suicide in this bill, I think it is a bill that should be supported.

I want to also indicate my strong support for palliative care. People are dying and we are spending money to assist people to die with some dignity through palliative care, which is appropriate. But I think you end up getting into a situation where there is some difference between the argument of positive or active euthanasia and negative or passive euthanasia. Palliative care does end up, in many cases, in euthanasia. That is the reality. It then becomes an issue of timing. How much pain and how much suffering should an individual go through?

I do not think you can take away this other argument about the effects on family of a person dying. It is quite horrendous to watch a loved one die a long, painful death. I have been unfortunate enough, as most people have, to witness loved ones and friends die long, excruciatingly painful deaths. I will not name names, but I had a very close friend of mine who died. He was a senior union official who had a full life ahead of him. He was about six foot two, weighed about 18 stone and was full of life. He was a great guy and he ended up with mesothelioma. Anyone who has ever seen someone die of mesothelioma would, I think, understand why I say there has to be some way of dealing with this agonising death that
people go through. I spoke to him the day before he died. The bravery of people in this situation is unbelievable, but the death is so excruciatingly bad for people in that position. I witnessed this. He was a friend of mine who came to Australia from Scotland a couple of months after I did. I served my apprenticeship with this guy. He was not someone who I ever thought I would witness lying in Saint Vincent's Hospital in Sydney in a nappy, not knowing where he was and having no control of his bowels or anything. He was dosed up on morphine and still in pain. His family watched this day after day. I just do not think it is what humanity should be about.

Senator Day talked about sacrificial love. People here would know I am not religious. I am an atheist. But I do not think the concept of sacrificial love means that you should stand by and watch excruciating pain, excruciating agony and a death that does no good for either the individual who is dying or their family around them. I want to indicate that, if that is what people are arguing that it is about, from my concept and understanding of religion, I do not think that is what religion should be about. Senator Day argued that people comfort people with tender loving care. It does not matter if you are religious or nonreligious; surely, comfort and tender loving care is something you provide to your family or to anyone who you see in this terrible situation.

I do not think assisted death or euthanasia is killing in the concept that has been proposed here. I just do not believe that for a minute. I think every life is precious. You do not have to be religious to understand how precious it is to be alive. I accept that, but I think there is an argument and a proven proposition that you can relieve suffering and allow people to die with dignity. Senator Day dismissed this concept of dying with dignity. I think it is a very strong concept. I think it is a very powerful concept. I certainly would not like to die a death like three of my friends have done—one from pancreatic cancer and two from mesothelioma—and go through what they and their families did. That is why I support a proposition that under certain circumstances with appropriate checks and balances there is a way the suffering of individuals and their families can be alleviated through euthanasia.

I will not go through all the details of the law in Belgium or the laws in some states in the United States. Suffice it to say that there are checks and balances on this. I do not see that this would be about money-grubbing families out to put their parents down so that they can get access to the family fortune. I just think that is an overstated and naive proposition.

We need to be a community that cares about each other. If we are a community that cares about each other, we should care about how people die. We should care about the suffering of people who have mesothelioma, pancreatic cancer, other cancers or other diseases.

An issue was raised about a young woman in Belgium being killed—I think that was the word that was used—because she had anorexia. I have had a quick look at that. The Belgian law says that a minor can request euthanasia for a terminal illness. If they are an unemancipated minor—that means they still rely on their parents—then their parents have a say in what happens. They have to be suffering from an unbearable and untreatable somatic and psychiatric disorder for this request to be granted. These are not psychiatric disorders on their own; they are psychiatric disorders that arise from the unbearable death that the individual is going through. So I think we need to be careful when we run these arguments up.

I strongly support the legislation. I will be arguing strongly in the future, if I get an opportunity, that people should have the right to determine a dignified death and not be lying
in a nappy with no control over their body and no understanding of what is happening to them. If someone says they want to put an end to that then they should be allowed to put an end to that under certain controlled circumstances. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (11:06): I am pleased to commence debate on the Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015 in the Senate today. This is a bill which brings together a series of proposals designed to improve the operation of this significant joint statutory committee. The proposals are designed to make it more accountable and adaptable to the needs of the parliament and they are also designed to enable the committee to have a greater amount of discretion in the way it conducts oversight of our intelligence and security agencies.

At the outset I want to acknowledge the role of former Senator John Faulkner in initiating this bill. This bill is one legacy of Mr Faulkner's long parliamentary career and his determination to support and enhance parliamentary oversight of our intelligence and security agencies. Then Senator Faulkner first prepared this bill for introduction in 2014, presenting it to the Parliamentary Joint Committee on Intelligence and Security for consideration and comment, but retired before he was able to introduce the bill into the Senate. As his successor as Leader of the Opposition in the Senate, and as a member of the Parliamentary Joint Committee on Intelligence and Security, I am very pleased to pursue the reforms contained in this bill.

John Faulkner was someone who served in the cabinets of two Labor governments, under three prime ministers and as Minister for Defence. He understood better than most the importance of being strong on national security. But he also understood that strength on national security does not come from tough rhetoric. It does not come from chest thumping or inflammatory statements. It comes from having intelligence and security agencies of the highest calibre that can be trusted to protect the rights and liberties of the Australian people without trampling upon them. John Faulkner also understood that effective and rigorous parliamentary oversight is critical to the maintenance of public support for our national security architecture, particularly in these times. This bill serves those objectives.

Effective scrutiny and oversight strengthen public support for our agencies and they also strengthen the agencies subject to oversight. As elected representatives gathered in the national parliament, we can never outsource our duty to ensure the security of our nation and the people who entrust us with the responsibility of governing. This is as true when we are in times of relative peace as it is when emerging and serious threats to our national security are apparent. This parliament ought not deny and must not deny our intelligence and security agencies the necessary powers and resources to protect Australian citizens and Australian interests. However, it must also recognise that these powers can impinge on the values and
freedoms on which our democracy is founded—values and freedoms which the Australian people, correctly, expect parliament to protect. As with so many things, this parliament must find the balance between the security imperatives of our nation and the liberties and freedoms of our people. The central plank of the intelligence and security framework is strong and effective accountability. Enhanced powers demand enhanced safeguards. Public trust and confidence in our security and intelligence agencies can only be ensured fully through strong and rigorous oversight and scrutiny.

I want to talk now about the environmental that we are confronted with. We know that, over the last 15 years in particular, this parliament has scrutinised and passed many pieces of legislation which have contributed to the development of legislative architecture relating to our security and intelligence agencies. This has been in response to developments in the security situation, which has altered in new and significant ways over this time. It also reflects changes in technology, which means our intelligence and security agencies must operate with a higher level of sophistication and specialist expertise. There has generally been a high level of cooperation in the parliament to secure bipartisan agreement on the national security legislation. Of course, bipartisanship does not mean taking an uncritical approach to proposals for additional or amended national security language or legislation.

In order to ensure rights and liberties are protected, it is essential that all parties approach legislative proposals with a discerning eye. In the current parliament, this Senate has dealt with a number of very significant pieces of national security legislation and all have been subject to scrutiny by the Parliamentary Joint Committee on Intelligence and Security. Each piece of legislation has been amended as a result of recommendations of the committee, sometimes quite extensively. This is an example of the process of parliamentary scrutiny at work. Likewise, the addition of other perspectives in the Senate debate ensures all views are ultimately considered and represented before the legislation comes to a vote.

As agencies continue to seek and are granted additional powers to meet contemporary threats, so too must scrutiny and oversight keep pace. In recent years Australia has benefited from professional and well-run intelligence and security agencies, and I acknowledge their work. They have demonstrated respect and understanding of the role of the parliament, the government of the day and our laws. But the personal integrity and quality of the leaders of our agencies, important as this is, are not reliable, effective safeguards against the abuse of security powers. It is the responsibility of parliament to prescribe safeguards that keep pace with the expansion of security powers that have been deemed necessary.

The purpose of this bill is to ensure that the adequacy and effectiveness of parliamentary oversight of intelligence and security agencies is in keeping with the development of the enhanced and additional powers we have afforded to these agencies. It amends the Intelligence Services Act 2001, the Independent National Security Legislation Monitor Act 2010 and the Inspector-General of Intelligence and Security Act 1986 to change the membership, powers and functions of the Parliamentary Joint Committee on Intelligence and Security. As legislative changes extending the powers of security agencies are implemented, the requirement for reliable and effective external oversight becomes more critical. If these changes, which extend the powers of agencies, are given effect but are not accompanied by adequate safeguards, it will be more challenging to maintain an essential level of trust in the community about agency operations. Trust is essential if our agencies are to be effective.
Not only are these safeguards important to protect the public interest, they also create an environment that protects the agencies themselves, because it is to the parliament that the agencies are accountable and it is the parliament's responsibility to provide oversight of their priorities and effectiveness. It is not sufficient for the parliament to simply put in place a legislative framework for the oversight of agencies without conducting oversight itself. If the parliament is not a check and balance, it will not be possible to ensure agencies meet the requirements and standards the parliament itself has set. The parliament has no better or more authoritative forum than the Parliamentary Joint Committee on Intelligence and Security to do this job.

Just as legislation governing our intelligence and security agencies must be under constant review, so too must the legislation governing the operation of the committee. Just as we would expect amendments to be brought to the parliament to correct deficiencies and enhance the operations of our intelligence and security agencies, so too must the parliament assess the effectiveness of its own committee. My submission to the Senate today is that the legislation governing the Parliamentary Joint Committee on Intelligence and Security can be improved, and I present this bill as a means of doing so.

I want to briefly traverse the key measures in the bill. This bill removes current constraints on the membership of the committee to provide that, except for a minimum representation of one government member and senator and one opposition member and senator, the balance of the 11-member committee can be drawn from either chamber. Currently, the Intelligence Services Act 2001 mandates a composition of six House of Representatives members and five senators on the committee. Removing the current constraints will enable greater flexibility in determining PJCIS membership. I note the bill does not amend the requirement for the government to hold a majority.

In relation to this provision, there is no reason why senators should be in the minority, and I suggest to the Senate it should be left to the parties to draw members from the best available representatives. Because of the nexus that currently exists between the Senate and the other place, as well as between the parties, for example, I had to relinquish my place on the committee for a period in order to accommodate the necessity of including the shadow minister for communications on the committee's inquiry into metadata laws. The opposition found itself constrained both by the apportionment of membership between the Senate and the House and by a desire by the government to allocate its six members across the chambers in a particular way.

I reiterate: the bill does not amend the requirement for the government to hold a majority, but it does mean there are fewer constraints placed on the choice of members for the committee based on the chamber in which they sit. I presume there would not be a senator who would object if this resulted in a greater number of senators on the committee! I note the continuing requirement that, before nominating members, the Prime Minister or the Leader of the Government in the Senate, as appropriate, is obliged to consult with the leader of each recognised political party that is represented in the House or Senate, as the case may be, and does not form part of the government.

The bill also provides for the committee to conduct own motion inquiries after consultation with the responsible minister; authorises the Independent National Security Legislation Monitor to provide the committee with a copy of any report on a matter referred to it by the
committee; requires the Inspector-General of Intelligence and Security to give the committee a copy of any report provided to the Prime Minister or a minister within three months; gives the committee the function of conducting pre-sunset reviews of legislation containing sunset provisions; and adds the Independent National Security Legislation Monitor and the National Security Adviser to officers able to be consulted by the committee.

As the role of agencies and the power afforded to them develops, the greater the potential for that power to infringe upon individual liberties. In turn, the greater the need becomes for accountability in the exercise of that power. I do not in any way suggest that our security and intelligence agencies are acting otherwise than in accordance with the law. That is not my view. But, if powers were to be used inappropriately, there would be an erosion of public trust. Having appropriate and effective accountability mechanisms protects both the agencies and the public. As I said previously, it is the parliament to which the agencies are accountable, not the judiciary, and it is the parliament's responsibility to oversight their priorities and effectiveness and to ensure agencies meet the requirements and standards it sets.

I want to briefly turn to an international comparison. An increasingly complex and unpredictable security landscape in Australia and around the world means the powers of intelligence and security agencies have changed dramatically in recent years. This is as true in Australia as it is in many other similar democracies. The maintenance of public security in the current security environment has led to greater powers for the agencies charged with these responsibilities. However, the protection of democratic liberties and freedoms equally demands enhanced oversight of the exercise of these powers. This is the case at home and abroad.

As senators would know, Australia forms part of the five eyes intelligence and security network of nations, including the United Kingdom, the United States, New Zealand and Canada. With the exception of Canada, each of these countries has at least one committee of the legislature that exercises oversight of that country's intelligence and security agencies.

In the United Kingdom, the Intelligence and Security Committee of Parliament consists of nine members drawn from both the House of Commons and the House of Lords. The numbers from each chamber are not specified in the governing act. Similarly to our committee, the members of the Intelligence and Security Committee of the United Kingdom are appointed by the House in which they serve, on the nomination of the Prime Minister in consultation with the opposition. Recent reforms provided that committee with greater powers and increased its remit, including to oversight of operational activity and the wider intelligence and security activities of government.

The United States Senate Select Committee on Intelligence is established by resolution of the Senate and consists of 15 senators: eight from the majority party and seven from the minority. It meets roughly twice a week, generally in closed session. Most hearings involve appearances by senior intelligence community officials, who present evidence and answer senators' questions. There is also the Permanent Select Committee on Intelligence in the United States House of Representatives.

The New Zealand Intelligence and Security Committee has a membership of five, notably including the Prime Minister and the Leader of the Opposition. Two of the remaining three members are nominated by the Prime Minister, and one by the Leader of the Opposition.
As I said at the outset, Canada does not currently have a parliamentary committee responsible for intelligence and security. However, the new government, during the election campaign, promised to establish an all-party national security oversight committee if elected. The new Prime Minister has instructed the relevant minister to assist the Leader of the Government in the House of Commons in the creation of a statutory committee of parliamentarians with special access to classified information to review government departments and agencies with national security responsibilities.

As can be generally seen, the legislative branch of government has a central role in oversight and scrutiny of the work of such agencies amongst our allies. Further, the membership of the parliamentary committees that I have outlined is generally more flexible than the situation that currently applies in Australia—something this bill is designed to address.

As a result of legislation that has recently passed the parliament, from 1 March the parliamentary joint committee has already had a number of additional functions added to its previously existing responsibilities. These include: monitoring and reviewing the performance of the AFP's counter-terrorism functions under the Criminal Code; reporting to the parliament upon matters appertaining to the AFP, or connected with those functions; reviewing matters relating to the retained data activities of the AFP and ASIO covered in annual reports on the mandatory data retention regime, including where this goes to operational matters, for the sole purpose of assessing and making recommendations on the overall operation and effectiveness of the regime; reviewing bills in relation to the mandatory data retention regime; conducting a review of a range of counter-terrorism legislation, by 7 March 2018; conducting a review of the mandatory data retention regime, to be commenced by 13 April 2019 and completed a year later; conducting a review, by 1 December 2019, of the new citizenship revocation powers contained in the Australian Citizenship Amendment (Allegiance to Australia) Act 2015.

This is in addition to powers in other areas. These include: reviewing the declaration of areas in overseas countries for the purpose of section 119.2 of the Criminal Code; reviewing the declaration of terrorist organisations for the purpose of section 35AA of the Australian Citizenship Act 2007; being provided with any reports produced by the IGIS or the Commonwealth Ombudsman in relation to data retention; being notified by the IGIS of any emergency ministerial authorisations for intelligence agencies under the Intelligence Services Act 2001, and being notified and briefed by the Department of Immigration and Border Protection in regard to all instances where citizenship is revoked under the new powers.

These are additional powers that this parliament has provided to this committee. What is demonstrates is the important role the committee plays in ensuring the expectations of the parliament are upheld.

I am pleased to have the opportunity to currently serve on the Parliamentary Joint Committee on Intelligence and Security. I do so alongside senators and members, including Senator Conroy, Senator Gallagher, Senator David Fawcett, and others, who seek to continue this committee's important role in balancing our security needs with the rights and freedoms that characterise our nation.

As I noted at the outset, John Faulkner first prepared this bill for introduction in 2014, and presented it to the Parliamentary Joint Committee on Intelligence and Security for
consideration and comment. As I am now bringing forward this bill for debate, I inform the Senate that I have again provided this bill to the committee to ensure all members are fully apprised of its purpose and have the opportunity to comment, or to consider the matter further in the context of the committee, if that is what is required. In terms of the context of this bill, I extend an invitation to all senators to consider its contents. I am aware that some have already made contact with my office, ahead of this debate today.

There is no greater or more important focus of political activity in this country than the parliament itself. The Australian Parliament has no better or more authoritative forum than the Parliamentary Joint Committee on Intelligence and Security, to provide oversight of our intelligence and security agencies. The bill before the chamber will enable the committee to undertake its responsibilities and fulfil what I regard, and I am sure this is shared, to be a critically important role. It will enable that role to be performed with greater effectiveness.

I express my hope that the bill will receive sensible consideration and in time, I hope, support from all parties across the chamber, recognising that this is a bill that is designed to enhance the ability of the committee to protect the interests of the parliament and, through us, the Australian people. I commend the bill to the Senate.

Senator JOHNSTON (Western Australia) (11:26): I want to commence my speech here this morning, with respect to opposing the Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015, by setting out firstly what appears to be the two principal aims. The first is to remove the constraints on the membership of the committee by, firstly, the removal of the requirement for the committee to consist of five senators and six members of the House of Representatives, and, secondly, to introduce a requirement that the Prime Minister and the Leader of the Government in the Senate must be satisfied that members to be nominated to the committee are ‘the most appropriate members available’. Secondly, enhance the powers and functions of the committee, including by, firstly, allowing the committee to conduct own-motion inquiries; secondly, requiring the Inspector-General of Intelligence and Security to provide reports of the committee within three months of those reports being provided to the Prime Minister or the responsible minister; and, thirdly, allowing the committee to conduct pre-sunset review of legislation.

The current requirements require the committee to consist of five senators and six members of the House of Representatives, pursuant to section 28(2) of the Intelligence Services Act. The bill proposes that the committee consists of at least two senators—one government senator and one opposition senator—and two members of the House of Representatives—one government member and one opposition member. The remaining seven members of the committee could be drawn from either the House or the Senate. These are very significant changes to what is—and I think was conceded by Senator Wong in her speech before me—a very successfully working oversight committee in a most important and sensitive area in Australia today.

There are significant concerns surrounding these proposed amendments. In particular, these amendments have the potential to compromise the real or perceived independence and effectiveness of operational activities, and on the independence of existing oversight bodies. I will explain that in detail in a moment. The appropriateness of parliamentary oversight of intelligence agencies was examined in 2004 in the Flood inquiry. That inquiry found:
Just as the advice that officials provide to ministers is not disclosed in Senate Legislation Committee hearings, the judgments of assessment agencies should not be subject to parliamentary scrutiny. Opening assessments to scrutiny by parliament would also weaken the instinct amongst assessors to provide forthright advice for government, which is vital for good assessment.

The current role of the Parliamentary Joint Committee on Intelligence and Security, the Inspector-General of Intelligence and Security and the Independent National Security Legislation Monitor ensure that there is effective oversight of the functioning of all aspects of Australia's security and intelligence agencies, whilst minimising duplication and overlap. In short, the system in place is not broken and requires no fixing, and nothing in this legislation suggests or provides an example of a shortfall in the capacity of the functioning of the Parliamentary Joint Committee on Intelligence and Security.

The current division also respects the appropriate divide between parliamentary and independent oversight and has until this point done so on a bipartisan basis. For example, item 3 of the bill proposes to require the Inspector-General of Intelligence and Security to provide her reports to the committee. Currently agencies provide information on a voluntary basis to the inspector-general to assist her in her investigations. In addition to the inspector-general's powers to compel information, this can include highly classified and sensitive information which is provided to the inspector-general with the assurance that it will be treated with the utmost security—that is, Top Secret. The knowledge that any information that is Top Secret Australian Eyes Only. The knowledge that any information provided might be included in a report which would be required to be passed on to the parliament may limit the voluntary provision of information by Australian intelligence community agencies to the inspector-general. This is precisely what we do not want, and we do not want to blur the independence of the agency oversight. This bill does that. Knowledge that reports must be provided to parliament may also affect the contents of reports prepared by the inspector-general and may limit the frankness and openness with which those issues are discussed and disclosed.

Similar concerns arise in relation to item 7 of the bill, which proposes to enable the Parliamentary Joint Committee on Intelligence and Security to conduct inquiries into legislation prior to a sunset date. This is an unnecessary duplication of the role of the Independent National Security Legislation Monitor, who has been granted powers that are tailored specifically to reviewing the operation, effectiveness and implications of Australia's national security legislation.

The Parliamentary Joint Committee on Intelligence and Security Bill 2015 seeks to provide additional powers to the committee and its oversight of our security intelligence agencies. It has long been the position in Australia that operational oversight of intelligence, security and law enforcement agencies is conducted by independent statutory oversight agencies rather than by the parliament. This is fundamentally for the benefit of the system of security of what those agencies are dealing with. Indeed, successive independent reviews have endorsed the existing oversight framework and have not proposed fundamental structural changes of the kind that this bill would deliver. The most recent review, in 2011, conducted by Mr Robert Cornall and Dr Rufus Black, found that the legal framework 'is sound and does not need any adjustment at present.' There is no review that I am aware of that advocates changes in the nature of those proposed by this bill. Indeed, our Australian model for oversight of intelligence agencies is respected and held up worldwide as one of the best models in existence.
Under existing arrangements the Inspector-General of Intelligence and Security and the Independent National Security Legislation Monitor serve a very crucial role in overseeing and ensuring accountability for the operational activities undertaken by our security agencies and the legislation which allows for those activities both onshore and offshore. It is entirely appropriate that these functions be served by independent nonpolitical bodies. This is at the core of why our system is so successful—and nobody is saying that it is not. Again I reiterate: this is not broken, let's not fix it, let's not tinker with it. This bill has the potential to blur the existing divide between parliamentary and independent oversight. May I say that that blurring is extremely naive and fundamentally quite stupid.

Rather than providing the Parliamentary Joint Committee on Intelligence and Security with oversight powers that would duplicate and overlap those of the Inspector-General and the Independent National Security Legislation Monitor, the government is focused on ensuring that our oversight bodies have the resources and tools they need to keep pace with the essential legislative changes and increased funding provided to our security agencies that make them effective and indeed world class. For example, in the past 18 months the government has significantly enhanced the powers and resources of the independent oversight bodies that supervise our law enforcement and national security agencies. We have increased the ongoing funding for the inspector-general, a body with powers akin to a royal commission, to increase her staff by more than one-third to enable greater oversight arrangements of Australian intelligence activities, and we have enhanced the annual reporting requirements of ASIO and law enforcement agencies, ensuring that the public and the parliament are better informed about the use of exceptional powers by those agencies. We have also introduced a system of special protections for journalists and their sources, including the requirement that agencies obtain a warrant prior to accessing journalists' metadata. We have also provided additional supporting resources to the office of the Independent National Security Legislation Monitor to assist with the increased volume and complexity of national security legislation being referred for inquiry. We have also significantly enhanced the powers of the Commonwealth Ombudsman to oversee access to metadata by law enforcement agencies. These enhanced powers have been supported by an increase in funding of $6.7 million over four years.

The current Inspector-General of Intelligence and Security is the Hon. Margaret Stone, a former Federal Court justice. The current Independent National Legislation Monitor is the Hon. Roger Gyles, a former Federal Court judge. These people are of outstanding integrity, ability, skill and experience, and they are, most importantly, independent of the parliament and the politics they are under. This bill proposes to remove the current requirement that six committee members be drawn from the House of Representatives and five from the Senate. The bill also introduces a new requirement for the Prime Minister and the Leader of the Government in the Senate to be satisfied that those nominated for membership are 'the most appropriate members available to serve on the Committee'. This is a very problematic legislative requirement.

Let us deal firstly, as lawyers ultimately will, with the requirement that the membership must be 'the most appropriate members'. This is a subjective test in an area where we need to have objectivity. How is one member of this parliament more appropriate than another member or 'the most appropriate', and who adjudicates that and upon what basis? This is a
political test. We then have to have, from that point, availability. Availability is a contestable quality in terms of who is available. Is someone not available because they live in Western Australia? Is someone not available because they have other committee duties? Is someone not available because the bells are ringing and they are required to vote? This is a highly problematic definition introduced into what should be clear, simple, objective legislation.

The parliamentary joint committee is a highly functioning committee and has repeatedly demonstrated its ability to conduct insightful, thorough, skilful and very enhancing investigations in an area that is extremely sensitive. It is probably one of the most responsible things that any parliamentarian will do in this place. It is done, at this point in time and to the best of my knowledge, on a very bipartisan basis. While there has been no indication that existing committee structure is inappropriate or requires amendment, the government remains committed to ensuring that the most appropriate and qualified members of parliament are able to serve on the committee. But that does not mean to say that we require a legislative definition. If we were to get into that, the essence of the problem I foresee with this legislation comes straight to the surface: a subjective judgement.

Let us not forget what has happened in recent history. Five tranches of legislation have come through this parliament to strengthen the ability of our agencies to investigate, monitor, arrest and prosecute home-grown violent extremists and returning foreign fighters. Firstly, the National Security Legislation Amendment Act (No. 1) 2014, which commenced operation on 30 October 2014, responded to the Parliamentary Joint Committee on Intelligence and Security report entitled Report of the inquiry into potential reforms of Australia’s national security legislation. So the committee itself did a report that talked about reforms that would improve and modernise the legislation governing Australia's intelligence agencies. To the best of my understanding, nowhere in that report were these amendments foreshadowed.

Secondly, the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 amended 22 pieces of Commonwealth legislation to respond to the threat posed by Australians engaging and returning from conflicts in foreign states. The key amendments made by that act were: to enhance Australia’s control order regime, to provide additional powers for security agencies, to strengthen Australia’s border security measures and to authorise the cancellation of welfare payments for persons involved in terrorism to ensure taxpayers were not funding terrorists or foreign fighters whilst they conduct those operations overseas.

Thirdly, the Counter-Terrorism Legislation Amendment Act (No 1) 2014 sort to strengthen and enhance the control order regime to allow the Australian Federal Police to seek orders in relation to a broader range of individuals of security concern, particularly the enablers of foreign fighters and terrorists—that is, those who recruit and facilitate those people who want to go away and fight overseas. It also amended the Intelligence Services Act, to facilitate ASIS providing timely support to the Australian Defence Force in military operations and cooperation with the Australian Defence Force on intelligence matters, which was logical, much appreciated and welcomed.

Fourthly, the data retention legislation, which I am sure we all recall, was enacted to ensure our security and law enforcement agencies continue to have access to information they need to do their jobs by requiring telecommunication providers to retain a defined set of data for two years. The parliamentary joint committee examined the bill at length and concluded that
the bill is 'a necessary, effective and proportionate response to the serious threat to national security and public safety caused by the inconsistent and degrading availability of telecommunications data'.

Fifthly, through this chamber came the Counter-Terrorism Legislation Amendment Bill (No 1) 2015. Those measures were introduced on 12 November. They have been informed by recent counter-terrorism operations and will further strengthen Australia's robust national security laws and counter-terrorism framework. The key amendments in that bill would: reduce the minimum age for imposition of certain obligations from 16 to 14; facilitate the monitoring of all individuals subject to control orders through targeted search, telecommunications interception and surveillance device regimes; and provide greater protection to sensitive information in control order proceedings by allowing the court to consider evidence that is not disclosed to the respondent or their legal representatives. These are very important and vital measures in this space.

There are many, many other safeguards that have been put in place, as I have canvassed and mentioned. There is the Independent National Security Legislation Monitor, the Hon. Roger Gyles, whose function is to review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation on an ongoing basis. The parliamentary joint committee itself has a monitoring and oversight function, as we have already discussed. The Independent Reviewer of Adverse Security Assessments—the very able, skilled and effective Mr Robert Cornall, former Secretary of the Attorney-General's Department—provides an important safeguard and review mechanism for people who have been found to be owed protection under international law but are being held in immigration detention in Australia because of an adverse security assessment.

In closing, I make the very important point that the current provisions governing the operation of the parliamentary joint committee are specifically and properly intended to protect against the disclosure of operational matters, including the disclosure of operationally sensitive matters, to the committee. The provisions in this bill blur that, as I have said, and cause me great concern. The proposal to require the inspector-general to provide reports to the committee directly contravenes these principles. What does that mean for the bill before us? It means that the changes it proposes are not necessary.

Senator McKIM (Tasmania) (11:46): I rise with pleasure to speak on the Parliamentary Joint Committee on Intelligence and Security Amendment Bill 2015 and express the Greens' appreciation to Senator Wong for introducing the bill into the Senate and bringing it on for debate today. The Parliamentary Joint Committee on Intelligence and Security has been in its current form since 2005, following the passage of the Intelligence Services Act 2001. The current committee was preceded by the Parliamentary Joint Committee on ASIO, ASIS and DSD, and the joint committee on ASIO.

This bill seeks to amend a number of pieces of legislation. Specifically, it seeks to amend the Intelligence Services Act 2001 by removing some of the current constraints on the membership of the Parliamentary Joint Committee on Intelligence and Security which would change it from the current six members from the House of Representatives and five senators, to one government member and one government senator, and one opposition member and one opposition senator, with the balance of the committee drawn from either chamber.
I would like to flag right up-front in my contribution that we note that the proposed amendments around the membership of the parliamentary joint committee that are contained in this legislation do not specifically provide for a member of the Senate crossbench to serve on the committee, and I include Australian Greens senators in that definition of the crossbench. I flag on the record today that the Greens will be introducing an amendment to this legislation to provide for that to occur. It is important to understand that we are not asking for crossbench control of the committee or for a crossbencher to chair the committee necessarily but simply for a voice from the crossbench, including the Australian Greens, on what is a very important parliamentary committee—one that plays a crucial role in the oversight of Australia’s intelligence and security agencies and also has a crucial role in scrutinising proposed legislation. But I think we can all agree that in recent years—and in that definition I go right back to 2001-2002—legislative changes have continually eroded and encroached on some of the fundamental human and civil rights that are quite rightly and quite understandably held so dear by so many Australian people.

We are very pleased to see that this legislation also provides for the Parliamentary Joint Committee on Intelligence and Security to conduct own-motion inquiries.

I listened to the contributions from Senators Wong and Johnston, and I go firstly to the contribution from the senator who just resumed his seat, Senator Johnston. It is fair to say that one of the major planks of his argument against this legislation is that it blurs the lines between parliamentary oversight and independent oversight in the context of Australia’s security agencies. We will take on board Senator Johnston’s comments on that and have a closer look at that issue.

But I do wish to point out to the chamber that Senator Johnston quite rightly pointed to the role that the Independent National Security Legislation Monitor plays in terms of independent oversight of our legislative frameworks around national security. I draw the attention of senators to a report tabled yesterday in this place, from the Australian Law Reform Commission, entitled *Traditional rights and freedoms—encroachment by Commonwealth laws*. That report said:

Counter-terrorism and national security laws that encroach on rights and freedoms should ... be justified, to ensure the laws are suitable, necessary and represent a proper balance between the public interest and individual rights.

Of course, we in the Australian Greens agree with that sentiment. But I want to make it very clear that the Australian Greens remain unconvinced that the Independent National Security Legislation Monitor is adequately funded by government. We also note, as was made clear in the Law Reform Commission report, that Independent National Security Legislation Monitor recommendations do not currently receive a government response. That is unacceptable in the view of the Australian Greens. The Independent National Security Legislation Monitor does a great job across a wide suite of legislation. It provides reports to this parliament, and it is simply not good enough that the government does not provide a response to the recommendations of the Independent National Security Legislation Monitor to this parliament.

It is crucial that the work that the Parliamentary Joint Committee on Intelligence and Security does in scrutinising legislation that relates to counter-terrorism and national security is robust to ensure that new laws do not unnecessarily encroach on rights and freedoms in this
country. I have to agree with many of the sentiments expressed by Senator Wong in her second reading contribution on this legislation. Unfortunately, I have to point out that those sentiments are not always backed up in this place by Labor's position on changes to our legal framework that create more or enhanced powers for our police services, intelligence agencies and security agencies.

We seem to have a very strong bipartisanship in this area that the Australian Greens suspect is driven more by political considerations than anything else. Neither Labor nor the coalition while in opposition want to appear weak on national security issues, because they can then be attacked by either Labor or the coalition when in government. Unfortunately, it seems that both the coalition and Labor have decided that, for political purposes, they are not going to have a breadth of distance between them on national security issues. So it has fallen to the Australian Greens, in the main, to point out that, while there have been many changes that create new, or enhance existing, powers for security, intelligence and police agencies in this country, on many of those occasions the case has simply not been made that those changes make Australia any safer.

The PRESIDENT: Order! The time for this debate has now expired.

DOCUMENTS

Commonwealth Scientific and Industrial Research Organisation

Order for the Production of Documents

Election of Senators

Senator KIM CARR (Victoria) (11:55): by leave—Can the minister advise the Senate as to whether it is the government's intention to respond to the order regarding the CSIRO's Oceans and Atmosphere division, which was due at 9.30 this morning.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:55): I will seek advice and I, or another representative of the government, will come back to the chamber on that. I have just come into the chamber for this particular session. I am not familiar with your query, off the top of my head, but I will seek advice.

Senator KIM CARR (Victoria) (11:55): by leave—I asked the same question at 9.30 this morning, and I think it is pretty ordinary when there is still no response from the government 2½ hours later.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:55): Not having been here when you asked the first question, I appreciate the point you make. I will endeavour to get you an answer as soon as I can.

Senator KIM CARR (Victoria) (11:56): by leave—On a separate matter, there was a second order for the production of documents with regard to electoral law changes—communications and minutes—and that too appears not to have been complied with. Is it the government's intention to comply with that return to order?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:56): Senator Carr, I have just received some advice on your first query, if I may turn to that. Your query has been passed to the minister representing, who I believe is Senator Sinodinos. It has been passed on. With regard to your second query, I will seek to get advice and come back to the chamber as soon as I can.
Senator KIM CARR (Victoria) (11:57): by leave—If the inquiry has been passed on to Minister Sinodinos, when can we have a reply?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:57): The message I just received was from the minister representing Senator Sinodinos. I am not sure if someone is representing him today, or if he, off the top of my head, represents that particular portfolio. I will endeavour to come back with further information on those queries as soon as I can.

Senator KIM CARR (Victoria) (11:57): by leave—Senator Sinodinos represents Minister Pyne in this chamber. I would have thought we could have had a reply by now.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:57): I will endeavour to get some advice and come back to the chamber as soon as I can—I will be here for the next hour. If not, I will make sure that the person coming in after me is aware of your query.

Senator MOORE (Queensland) (11:58): by leave—I wish to make a further inquiry about the second issue that Senator Carr raised: the order for the production of documents relating to electoral law changes—communications and minutes. We are very keen to get hold of that particular set of documents and, if we do not get them, we will be raising further questions later in the day.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:58): In response, as I said to Senator Carr, I will make inquiries as soon as I am able to. If I am not in the chamber, I will make my successors in the chamber aware of the inquiry, and I appreciate your heads up for later in the day.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (11:59): by leave—I might just chime in and add that, given that both orders for the production of documents stand in our name, we too are very keen to get them. They are quite a few hours overdue. I apologise, Minister, that I missed the first few seconds of your contribution, but I am flagging that we too will have much more to say about this should the documents not materialise.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (11:59): I understand the points made by senators in the chamber, and I appreciate the notice that you have also given, Senator Waters. I will progress and make the query, not having been aware of the earlier query.

The DEPUTY PRESIDENT: I think the points are now all well made.

PETITIONS

Coal Seam Gas

The Clerk: A petition has been lodged for presentation as follows:

Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015

Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014

We the undersigned call for all Australian Senators to:
• Reject the Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015, which will repeal Section 487 of the EPBC Act and stop communities from holding governments to account.

• Reject the Environment Protection and Biodiversity Conservation Amendment (Bilateral Agreement Implementation) Bill 2014 which will weaken environmental protection by putting under-resourced state governments in charge of matters of national environmental significance.

• Call for a new generation of environment laws and a robust, transparent approvals process that keeps our air, water, wildlife and the places we love thriving.

by Senator Lazarus (from 88,968 citizens)

Petition received.

Senator LAZARUS (Queensland—Leader of the Glenn Lazarus Team) (12:00): I seek leave to table additional nonconforming signatories and to make a short statement.

The DEPUTY PRESIDENT: I think leave is granted. There are two requests. Firstly, for the noncomplying petition, is leave granted for that? Secondly, is leave granted for Senator Lazarus to make a short statement? Leave has been granted for one minute.

Senator LAZARUS: I would like to table 16,284 further signatories to the Australian Conservation Foundation petition to reject the EPBC amendment bill 2015. The online petition received a total of 105,252 signatures, including 16,284 that did not supply an email address. Therefore, these were nonconforming.

I think that the tabling of these further responses is in the interest of democracy to fully reflect how many people across the community are feeling about the need to protect Australia's farms and agricultural land from the scourge of CSG and other mining activities. The people of Australia do not want a dirty great coalmine in the middle of their food bowl in the Liverpool Plains. They certainly do not want any more of our water being contaminated by CSG mining. Appeals are the only way that people of Australia can try and stop the destruction of our farming land. The EPBC amendment that the government is trying to ram through the Senate will remove this right.

I, along with thousands of people across the country, oppose the EPBC amendment. I move that the additional signatories be accepted.

The DEPUTY PRESIDENT: It is not appropriate for you to move a motion on the amendment. You have sought leave to incorporate the extra signatories. That has been granted, so that is simply done, Senator Lazarus.

NOTICES

Presentation

Senator Siewert to move:

That the Senate—

notes that World Kidney Day, held on 10 March 2016, is an opportunity to raise awareness of kidney disease;

acknowledges that:

severe kidney disease is more common among Aboriginal and Torres Strait Islander peoples than non-Indigenous Australians, and

Aboriginal and Torres Strait Islander peoples are more likely to die from kidney disease;

CHAMBER
recognises:
the importance of prevention and dialysis services for remote communities,
that governments have provided funding for kidney health services in remote communities, particularly most recently in central Australia, and
the on-going need for further prevention and dialysis services in Australia, including northern Australia; and
calls on the Government to continue to invest in kidney health in Australia.

**Senator Smith** to move:
That the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10.30 am, as follows:
Thursday, 12 May 2016, followed by a public meeting from 11 am;
Thursday, 23 June 2016, followed by a public meeting from 11 am; and
Thursday, 30 June 2016.

**Senator Fifield** to move:
That—
(1) The Commonwealth Electoral Amendment Bill 2016 have precedence over all government business until determined.
(2) On Tuesday, 15 March 2016:
(a) the hours of meeting shall be 12.30 pm to 7 pm and 7.30 pm to adjournment;
(b) the routine of business from 7.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.
(3) On Wednesday, 16 March 2016:
(a) the hours of meeting shall be 9.30 am to 7 pm and 7.30 pm 11.10 pm;
(b) the routine of business from 7.30 pm shall be government business only; and
(c) the question for the adjournment of the Senate shall be proposed at 10.30 pm.
(4) If by adjournment of the Senate on Wednesday, 16 March 2016, the following bills have not been finally considered:
Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016
Appropriation Bill (No. 3) 2015-2016 and Appropriation Bill (No. 4) 2015-2016
Biological Control Amendment Bill 2016
Business Services Wage Assessment Tool Payment Scheme Amendment Bill 2016
Commonwealth Electoral Amendment Bill 2016
Dairy Produce Amendment (Dairy Service Levy Poll) Bill 2016
Law and Justice Amendment (Northern Territory Local Court) Bill 2016
Migration Legislation Amendment (Cessation of Visa Labels) Bill 2015
Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016
Territories Legislation Amendment Bill 2016 and Passenger Movement Charge Amendment (Norfolk Island) Bill 2016
Trade Legislation Amendment Bill (No. 1) 2016,
(a) on Thursday, 17 March 2016:
(i) the hours of meeting shall be 9.30 am to adjournment,

(ii) consideration of general business and consideration of committee reports, government responses and Auditor-General’s reports under standing order 62(1) and (2) shall not be proceeded with,

(iii) the routine of business from not later than 4.30 pm shall be government business only, and

(iv) divisions may take place after 4.30 pm; and

(b) the Senate shall adjourn after it has finally considered the bills listed above in paragraph (4) only, or a motion for the adjournment is moved by a minister, whichever is the earlier.

Senator McKenzie to move:

That the Senate adopt the recommendation contained in the report of the Education and Employment Legislation Committee on the additional estimates 2015-16 that standing order 26(4) be referred to the Procedure Committee for consideration.

COMMITTEES

Selection of Bills Committee

Report


Ordered that the report be adopted.

Senator BUSHBY: I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 3 OF 2016

1. The committee met in private session on Wednesday, 2 March 2016 at 7.18 pm.

2. The committee resolved to recommend—that—

   (a) the provisions of the Broadcasting Legislation Amendment (Media Reform) Bill 2016 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 12 May 2016 (see appendices 1, 2 and 3 for a statement of reasons for referral);

   (b) the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 17 June 2016 (see appendix 4 for a statement of reasons for referral);

   (c) the provisions of the Social Services Legislation Amendment (Enhanced Welfare Payment Integrity) Bill 2016 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 20 June 2016 (see appendix 5 for a statement of reasons for referral); and

   (d) the provisions of the Social Services Legislation Amendment (Interest Charge) Bill 2016 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 20 June 2016 (see appendix 6 for a statement of reasons for referral).

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

   • Biological Control Amendment Bill 2016
   • Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016
   • Territories Legislation Amendment Bill 2016
   • Passenger Movement Charge Amendment (Norfolk Island) Bill 2016.
The committee recommends accordingly.

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

- Automotive Transformation Scheme Amendment (Securing the Automotive Component Industry) Bill 2015
- Corporations Amendment (Publish What You Pay) Bill 2014
- Law and Justice Amendment (Northern Territory Local Court) Bill 2016
- Primary Industries Levies and Charges Collection Amendment Bill 2016
- Registration of Deaths Abroad Amendment Bill 2016
- Regulatory Powers (Standardisation Reform) Bill 2016
- Restoring Territory Rights (Dying with Dignity) Bill 2016
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014.

(David Bushby)

Chair

3 March 2016

APPENDIX 1

Proposal to refer a bill to a committee:

Name of bill:
Broadcasting Legislation Amendment (Media Reform) Bill 2016

Reasons for referral/principal issues for consideration:
To enable the Senate to examine the detail of the Bill including the repeal of the '75% audience reach' rule, the 'two out of three' rule and the proposed new local content requirements.

Possible submissions or evidence from:
Commercial television broadcasters
Commercial radio broadcasters
Newspaper publishers
Australian Communications and Media Authority
Australian Competition and Consumer Commission

Committee to which bill is to be referred:
Senate Environment and Communications Legislation Committee

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
12 May 2016

(signed)
Senator Fifield
APPENDIX 2
Proposal to refer a bill to a committee:
Name of bill:
Broadcasting Legislation Amendment (Media Reform) Bill 2016
Reasons for referral/principal issues for consideration:
• Thorough investigation of the impact of proposed changes to media regulation on the community and public interest is required.
• Impact of proposed changes on coverage of local stories in rural and regional Australian to be further investigated.
Possible submissions or evidence from:
Department of Communications
Australian Communications and Media Authority
Media organisations
Academics
Interested members of the general public
Committee to which bill is to be referred:
Senate Environment and Communications Legislation Committee
Possible hearing date(s):
To be determined by the committee
Possible reporting date:
12 May 2016
(signed)
Senator McEwen

APPENDIX 3
Proposal to refer a bill to a committee:
Name of bill:
Broadcasting Legislation Amendment (Media Reform) Bill 2016
Reasons for referral/principal issues for consideration:
The bill proposes significant changes to the Australian media landscape including media ownership & concentration, reach and 'voices', and will also impact on local content and the quality of regional and rural broadcasting.
Possible submissions or evidence from:
Representatives from major commercial media organisations
ABC
SBS
Independent media outlets; Buzzfeed, Junkee, Pedestrian
Public Interest Journalism Foundation
Australian Press Council
Media, Entertainment and Arts Alliance
Communications Alliance Limited
Community Broadcast Association of Australia
Australian Communications Consumer Action Network

Committee to which bill is to be referred:
Environment and Communications Committee

Possible hearing date(s):
April dates to be confirmed depending on committee scheduling and witness availability

Possible reporting date:
12 May 2016
(signed)
Senator Siewert

APPENDIX 4
Proposal to refer a bill to a committee:

Name of bill:
Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016.

Reasons for referral/principal issues for consideration:
To assess the possible consequences for donors, recipients, the AEC and other relevant regulatory bodies.

Possible submissions or evidence from:
AEC
Dr Joo-Cheong Tham
Professor George Williams

Committee to which bill is to be referred:
Finance and Public Administration Legislation Committee

Possible hearing date(s):
9 May

Possible reporting date:
17 June
(signed)
Senator Siewert

APPENDIX 5
Proposal to refer a bill to a committee:

Name of bill:
Social Services Legislation Amendment (Enhanced Welfare Payment Integrity) Bill 2016

Reasons for referral/principal issues for consideration:
Examination of the impact of Government income support measures on community members.
Possible submissions or evidence from:
ACOSS, NWRN, and other interested organisations.

Committee to which bill is to be referred:
Community Affairs

Possible hearing date(s):
Dates to be determined by the Committee.

Possible reporting date:
20 June 2016

(signed)
Senator Siewert

APPENDIX 6
Proposal to refer a bill to a committee:

Name of bill:
Social Services Legislation Amendment (Interest Charge) Bill 2016

Reasons for referral/principal issues for consideration:
Examination of the impact of Government income support measures on community members

Possible submissions or evidence from:
ACOSS, NWRN, and other interested organisations.

Committee to which bill is to be referred:
Community Affairs

Possible hearing date(s):
Dates to be determined by the Committee.

Possible reporting date:
20 June 2016

(signed)
Senator Siewert

BUSINESS

Rearrangement

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:03): I move:
That—
(a) government business orders of the day as shown on today's order of business be considered from 12.45 pm today; and
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:03): I move:
That the order of general business for consideration today be as follows:
(a) general business order of the day no. 54 (Commonwealth Electoral Amendment (Donations Reform) Bill 2014); and
(b) orders of the day relating to documents.
Question agreed to.

NOTICES
Postponement
The Clerk: A postponement notification has been lodged in respect of the following:
General business notice of motion no. 1071 standing in the names of Senators Madigan, Leyonhjelm, Day, Muir, Lambie, Wang and Xenophon and the Leader of the Glenn Lazarus Team (Senator Lazarus) for today, proposing an order for the production of documents by the Minister representing the Minister for Sport, postponed till 15 March 2016.

COMMITTEES
Economics References Committee
Reporting Date
The Clerk: A notification of extension of time for a committee to report has been lodged in respect of the following:
Economics References Committee—forestry managed investment schemes—extended from 7 March to 14 March 2016.

The DEPUTY PRESIDENT (12:04): Does any senator require the question be put on that proposal? There is no such request.

Community Affairs Legislation Committee
Meeting
Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (12:04): by leave—I move:
That the Community Affairs Legislation Committee be authorised to hold a public hearing today, from 3.30 pm, for the committee's consideration of the 2015-16 additional estimates.
Question agreed to.

NOTICES
Withdrawal
Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:05): On behalf of Senator Conroy, I withdraw motion 1065.

BUSINESS
Consideration of Legislation
Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:05): I move:
That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:
Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016
Appropriation Bill (No. 3) 2015-2016
Appropriation Bill (No. 4) 2015-2016
Thursday, 3 March 2016

Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016.
Question agreed to.

DOCUMENTS

Defence Procurement
Order for the Production of Documents

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:06): I, and also on behalf of Senator Xenophon, move:

That—

(a) the Senate notes that:

(i) on 17 November 2014 the Senate agreed to an order for the production of documents directed at the Minister for Defence for ‘any documents produced by Macroeconomics.com.au Pty Ltd as a result of tender reference DMOCIP/RFT 0315/2012, including economic modelling and other examination of the potential economic impact of the SEA1000 submarine project on the Australian economy, among other subjects’,
(ii) on 23 February 2016 the Minister for Defence rose in the Senate and made a ‘Cabinet-in-Confidence’ related public interest immunity claim with respect to the documents ordered, and
(iii) on 16 July 1975 the Senate laid out by resolution its position with respect to public interest immunity claims—where paragraph 4 of that resolution makes it clear that, while the Senate may permit claims of public interest immunity to be advanced, it reserves the right to determine whether any particular claim will be accepted; and
(b) there be laid on the table by the Minister for Defence, no later than 15 March 2016, the independent legal advice which grounds the Minister’s public interest immunity claim made in the Senate on 23 February 2016 in relation to the Senate resolution agreed to on 17 November 2014.

Question agreed to.

BILLS

Social Security Amendment (Diabetes Support) Bill 2016

First Reading

Senator MUIR (Victoria) (12:07): I move:


Question agreed to.

Senator MUIR: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator MUIR (Victoria) (12:07): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in Hansard and to table an explanatory memorandum.
Leave granted.

The speech read as follows—

Type 1 diabetes directly affects over 120,000 people in Australia alone, some of which work right here in Parliament House.

I would like to note that type 1 diabetes is an autoimmune condition which is a non-choice disease that lasts for life.

The Social Security Amendment (Diabetes Support) Bill 2016 I present to the Senate today will ease the impact of diabetes on individuals affected by the disease.

The purpose of the Social Security Amendment (Diabetes Support) Bill 2016 is to amend the Social Security Act 1991, to give individuals diagnosed with type 1 diabetes access to the required medication and peripheral devices that the disease imposes upon the individual regardless of their geographic location or social status.

Type 1 diabetes is a form of diabetes marked by a complete lack of insulin, therefore insulin replacement is required for survival. Type 1 diabetes creates a significant financial and emotional burden to its patients, family and the community. Differing social status can result in an unintended disregard of an individual's care plan, leading to a higher risk of complications requiring hospital admission, and can, as a result, impose a significant burden on the tax payer.

The more time people with type 1 diabetes spend outside the normal range of blood glucose levels, the greater their risk of serious health complications.

Currently the cost of hospital admitted patient services, as a result of diabetes diagnosed admittance, is equal to expenditure on blood glucose lowering medications. This level of hospital admittance is a completely unnecessary burden on the tax payer which could potentially be reduced should this Bill be supported.

This bill ensures access to medication and peripheral devices, required by individuals diagnosed with type 1 diabetes, are accessible despite their socioeconomic status.

I was approached by Dr Peter Goss of Gippsland Paediatrics Diabetes Unit, Sale, in my electorate of Victoria, in October 2014. Dr Peter Goss requested that I advocate for the age group of 18-25 year olds diagnosed with type 1 diabetes, at the time citing that the 18-25 year old age group with type 1 diabetes has the highest rate of death in diabetes.

With such a substantial number of Australians being directly and indirectly affected by type 1 diabetes, this was something I was more than happy to discuss further and support unconditionally.

Type 1 diabetes is an unwelcome and unwanted intruder into the life of an individual and their family. It is an autoimmune disease that cannot be prevented or cured.

Before the discovery of insulin in the 1920s, type 1 diabetes was a fatal condition. Although type 1 diabetes is now manageable, it places an enormous burden on families by requiring them to enter a daily and relentless grind of blood testing and insulin injections.

There is solid evidence that the peak risk of poor control and death in type 1 diabetes is between ages 16 and 25 years. Currently a child with type 1 diabetes often lose their Health Care Card at 16 years, imposing a significant financial burden on the person with type 1 diabetes as they enter their most vulnerable period of life.

There is anecdotal evidence that young people are also more likely to skimp on the essentials of diabetes care, such as insulin scripts, glucagon scripts, blood glucose and blood ketone test strips, insulin pump consumables and even quality food because of the cost. This lack of attention to scripts, doctors' visits, diabetes education visits and devices due to lack of financial assistance can create long term complications and possible hospital admissions which impose a significant health and financial burden on, not only the individual, but the community.
Given that type 1 diabetes is a lifelong autoimmune disease, it is not unreasonable to not only try to ease the pressure on such a high risk demographic, but make available to all those at risk a health care card to assist sufferers of type 1 diabetes in accessing the medical and peripheral devices required.

On August 20 2015 I moved a motion in the Senate in relation to type 1 diabetes, the text was as follows;

1. That the Senate—
   (a) notes that:
      (i) Type 1 diabetes mellitus is an autoimmune (not lifestyle) condition which effects over 120,000 Australians,
      (ii) people diagnosed with type 1 diabetes require insulin to manage their diabetes for life,
      (iii) Type 1 diabetes is one of the most common chronic diseases effecting children in Australia, and
      (iv) Type 1 diabetes creates a significant financial and emotional burden for its patients, family and the community; and
   (b) acknowledges the importance of access to optical medical management for people with type 1 diabetes regardless of geographic location or social status.

This motion was passed in the Senate unopposed.

In addition to this, I note that the Australian National Diabetes Strategy 2016-2020, which was released to supersede the National Diabetes Strategy 2000–2004, was endorsed by the Australian Health Ministers Advisory Council on 2 October 2015, noted by the COAG Health Council on 6 November 2015, and publically released 13 November 2015.

So since I moved my motion I am pleased to note that the Australian government has developed a new National Diabetes Strategy, to update and prioritise the national response to diabetes across all levels of government.

I appreciate that there are current government initiatives in place, in addition to the recently developed Australian National Diabetes Strategy 2016-2020, such as the National Diabetes Services Scheme and chronic disease management assistance to assist individuals.

I strongly believe that the Social Security Amendment (Diabetes Support) Bill 2016 can work in collaboration with these key government initiatives which are essential for individuals diagnosed with type 1 diabetes.

I also believe that the Social Security Amendment (Diabetes Support) Bill 2016 can support some of the key purposes outlined in the Australian National Diabetes Strategy.

The purpose of the Australian National Diabetes Strategy 2016-2020 is “To prioritise Australia’s response to diabetes and identify approaches to reducing the impact of diabetes in the community. It recognises the social and economic burden of the disease and provides action areas that:

- prevent, detect and manage diabetes;
- improve diabetes services and care;
- recognise the different roles and responsibilities of all levels of government and the non-government sector;
- promote coordination of health resources across all levels of government;
- facilitate coordinated, integrated and multidisciplinary care;
- improve use of primary care services; and
- increase recognition of patient needs across the continuum of care.”
More specifically, the Australian National Diabetes strategy 2016-2020 goal 3 aims to: "Reduce the occurrence of diabetes-related complications and improve quality of life among people with diabetes."

The potential areas for action addressed with this goal are:

- Develop nationally-agreed clinical guidelines, local care pathways and complications prevention programmes;
- Expand consumer engagement and self-management;
- Develop and implement quality improvement processes;
- Use information and communication technology;
- Improve affordable access to medicines and devices;
- Improve workforce capacity;
- Improve funding mechanisms;
- Provide mental health care for people with diabetes;
- Strengthen and expand transition from child to adult services;
- Make preschool, school and child care diabetes safe environments; and
- Provide high-quality hospital care.

Many of these "potential areas for action" can be addressed directly and indirectly through the support of this bill.

More specifically, optimal diabetes care for children or adolescents in school is crucial to achieving the best possible diabetes control and to prevent any present or future risks of harm to their health and wellbeing. This will give affected children and adolescents the best opportunity to concentrate, participate and learn whilst at school.

Children with type 1 diabetes should have the same educational and social opportunities as children without diabetes. Every child has the right to participate equally in all school activities, including outdoor activities and sponsored events away from school and to receive support for diabetes care.

Ensuring the implementation of accessibility to diabetes care from a younger age will carry over into better diabetes care practices into adolescence and adulthood.

In closing I would like to readdress importance of awareness surrounding type 1 diabetes.

Not one person who has type 1 diabetes had a choice in their diagnosis; it cannot be prevented, nor cured.

Type 1 diabetes creates a significant financial and emotional burden to its patients, family and the community.

This bill will ensure medication and peripheral devices that are required by individuals diagnosed with type 1 diabetes can be accessed regardless of one's socioeconomic status.

If we are in any way serious about improving the quality of life of people with type 1 diabetes; I suggest all Senators support this bill.

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

Leave granted; debate adjourned.
MOTIONS

Homelessness

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:08): At the request of Senator Lines, I move:

That the Senate—

(a) notes that Ruah Community Services has coordinated Perth’s third Registry Week, held between 8 February and 19 February 2016, with teams of trained volunteers surveying rough-sleeping homeless people, with the aim of providing the sector a current snapshot of who is homeless in these areas and what are their needs;

(b) commends the City of Perth, the City of Vincent, the Town of Victoria Park, the City of Kwinana, the City of Rockingham, the City of Joondalup and the City of Wanneroo for their participation in the survey; and

(c) condemns the Abbott-Turnbull Government for its inaction on homelessness and affordable housing.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator RYAN: The Commonwealth currently spends around $6 billion of taxpayer funds annually on housing assistance and homelessness services. Labor pretend that housing affordability can be fixed overnight with a tax increase, but the fact is they failed to deliver on housing affordability in six years of government. Labor failed to provide funding for the National Partnership Agreement on Homelessness beyond 30 June 2014. Labor's National Rental Affordability Scheme was poorly designed and poorly managed, and has fallen well short of expectations. Economic modelling released today states that Labor's housing affordability policy would push up average rents by $2,600 a year, push 70,000 households into rental stress and increase the housing shortage.

Senator LINES (Western Australia) (12:09): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LINES: Like most of what we hear from those opposite, what we just heard then was a load of rubbish. This government has done absolutely nothing to reduce homelessness or, indeed, anything on affordable housing.

To add insult to injury, it does not even have a housing minister. Every year since this government has been elected homelessness and affordable housing groups have had to come to this place, cap in hand, and beg for ongoing funding. This is a disgrace. Some of the most vulnerable in our communities are being left behind.

I certainly congratulate the work being done in Western Australia, but it would be a lot easier if the government had lived up to its commitments and done something about housing affordability, as Labor has with our negative-gearing policy. And secondly, it should have done something about the ever-increasing rate of homelessness.

It is a disgrace, particularly in my home state—but right across the country. Those opposite—the Turnbull government—have done nothing.

Question agreed to.
Vietnam Veterans Day

Senator LINDGREN (Queensland) (12:10): I, and also on behalf of Senator Reynolds, move:

That the Senate—

(a) notes that Vietnam Veterans Day:

(i) is celebrated on 18 August every year,

(ii) commemorates the service and sacrifice given by almost 60,000 Australians who served in the Vietnam War, including the 521 who were killed and the 3,000 wounded, and

(iii) was, until 1987, known as Long Tan Day, which commemorated the service of 108 personnel of D Company 6RAR, who on 18 August 1966, with limited supplies and in torrential rain, successfully fought off 2,000 North Vietnamese and Viet Cong troops near the village of Long Tan;

(b) reiterates its sincere appreciation for the service of all veterans of the Vietnam War; and

(c) express its regret that many veterans of the Vietnam War did not receive appropriate recognition of their service upon their return to Australia.

Question agreed to.

International Women's Day

Senator MOORE (Queensland) (12:11): I, and also on behalf of Senator Cash and Senator Waters, move:

That the Senate—

(a) notes that:

(i) 8 March is International Women’s Day (IWD), and that the theme for IWD 2016 is ‘Planet 50-50 by 2030: Step It Up for Gender Equality’,

(ii) International Women’s Day is a time to celebrate acts of courage and determination by women who have played an extraordinary role in the history of their countries and communities to achieve gender equality, and

(iii) 2016 marks 40 years since Australia appointed its first Minister Assisting the Prime Minister in Women’s Affairs;

(b) acknowledges:

(i) the work that UN Women, the United Nations (UN) organisation dedicated to gender equality and the empowerment of women, undertakes to improve the conditions of women, both domestically and internationally,

(ii) that, despite the many rights and privileges Australian women enjoy, there remain challenges that we must strive to overcome, and

(iii) that all women have the right to be safe and live without fear of violence, and women’s safety must therefore remain at the forefront of Australia’s national consciousness; and

(c) recognises:

(i) that in Australia, violence against women is still far too common, with Australian Bureau of Statistics data revealing that one in four women has experienced violence at the hands of a current or former partner, and

(ii) that Australians have an obligation to speak out and protect the human rights of women, both in Australia and overseas.

Question agreed to.
DOCUMENTS
Education Funding
Order for the Production of Documents

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:11): At the request of Senator Dastyari, I move:

That there be laid on the table by the Minister for Education and Training (Senator Birmingham), the Minister for Finance and the Minister representing the Treasurer (Senator Cormann), no later than 3.30 pm on Tuesday, 15 March 2016, all documents prepared since 15 September 2015, relating to the indexation of total school funding by the consumer price index with allowances for changes in enrolments from the 2018 school year onwards, as referred to in the measure contained in the 2014-15 Budget ‘Students First’—indexation of school funding from 2018.

Question agreed to.

Election of Senators
Order for the Production of Documents

Senator McEWEN (South Australia—Opposition Whip in the Senate) (12:12): At the request of Senator Collins, I move:

That there be laid on the table by the Special Minister of State, no later than 2 pm on Thursday, 3 March 2016, documents recording the agreement between the government and the Australian Greens relating to changes to Senate voting.

Senator DI NATALE (Victoria—Leader of the Australian Greens) (12:13): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: I am very pleased to be able to outline the details of the agreement with the coalition. The agreement is as follows: the Greens have had a longstanding position to see Senate voting reform implemented. We put that to the government, and the government agreed.

It is interesting, though: I have another agreement here. It is an agreement from 2010, and it is an agreement with the Labor Party. In fact, it is a written agreement. And in that written agreement we have a commitment from the Labor Party to support the Greens policy of campaign finance reform—political donations reform: lowering the disclosure threshold, prevention of donation splitting and preventing foreign donations. In fact, there is also an agreement to reform electoral voting in the Senate.

When it comes to a written agreement, we have the Labor Party walking away from the agreement on Senate voting reform and on campaign finance reform. The Labor Party need to recognise that their enemies are over there, not over here.

Senator JACINTA COLLINS (Victoria) (12:14): Mr Deputy President, I seek leave to make a one-minute statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator JACINTA COLLINS: I note that in saying so, neither the Greens nor the government have actually provided the full detail of this agreement. There are all sorts of claims circulating in the press. In the media today we heard that the 'senator for half measures' has prevented half of the potential double dissolutions but not the other half.
No wonder his colleagues are still backgrounding the media and raising concerns about their long-term future. If Senator Di Natale had gone full measure, he would have made sure that the requirements of the Australian Electoral Commission—who were before us in the hearing earlier this week and have a full three months after this legislation is proclaimed by the Governor-General—were being met. But, no. Again the 'senator for half-measures' has provided far less than the full three months. You ask: where does that leave other senators?

That leaves other senators—(Time expired)

**The DEPUTY PRESIDENT:** Senator Collins, you need to refer to senators by their proper titles and not speak to senators in that manner. I ask you to withdraw those comments.

**Senator JACINTA COLLINS:** I apologise, Deputy President. Senator Carr was distracting me for a moment. What was your question?

**The DEPUTY PRESIDENT:** I remind all senators that they need to refer to senators in their place by their proper title and not refer to senators by other means. I ask you to withdraw those comments.

**Senator JACINTA COLLINS:** Indeed, I will withdraw.

**Senator DAY (South Australia) (12:16):** I seek leave to make a short statement.

**The DEPUTY PRESIDENT:** Leave has been granted for one minute.

**Senator DAY:** Thank you, Mr Deputy President. The motion today seeks disclosure of the communication between the government and relevant departments about their radical and rushed changes to Senate voting. In question time yesterday highlighted to the minister the contradictions between the public statements of 15 and 18 February that the government had not yet made a decision and the provision of the bill to the Australian Electoral Commission on 11 February. I have a great interest in exactly what the government decided to and when. This is a matter that says full transparency and exposure after we have seen an incredible rush and a sham of an inquiry that shut down senators who had valid questions to ask. As Senator Collins has observed, it was the worst she had seen in decades in the Senate. It was certainly the worst and most chilling period of evidence taking I have experienced in my relatively short time here. Most telling was the government's refusal to allow the Department of Finance to give evidence to the inquiry.

**The DEPUTY PRESIDENT:** The question before the chair is that general business notice of motion No. 1070 be agreed to.

Question agreed to.

**COMMITTEES**

Membership

**The DEPUTY PRESIDENT** (12:17): The President has received a letter requesting changes in the membership of a committee.

**Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:17):** by leave—

That senators be discharged from and appointed to the Environment and Communications References Committee, as follows:

Substitute members:

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**CHAMBER**
Senator Sterle to replace Senator Bullock for the committee’s inquiry into oil or gas production in the Great Australian Bight

Senator Moore to replace Senator Singh on Thursday, 10 March 2016

Participating members: Senators Bullock and Singh.

Question agreed to.

BILLS

Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016

Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016

First Reading

Bills received from the House of Representatives.

Senator Ryan (Victoria—Minister for Vocational Education and Skills) (12:18): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator Ryan (Victoria—Minister for Vocational Education and Skills) (12:19): 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—

AGED CARE LEGISLATION AMENDMENT (INCREASING CONSUMER CHOICE) BILL 2016

I am pleased to introduce the Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016.

This Bill creates the legislative framework for a more flexible, consumer driven aged care system that will support older people to remain living at home.

The Bill gives effect to the first stage of the home care reforms announced in the 2015-16 Federal Budget. These changes will provide consumers with more choice and control over their aged care services and will reduce red tape and regulation for aged care providers.

The Government has a strong track record when it comes to aged care. The changes announced in the Budget will build on our successful record and set the platform for future reform.

The 2011 Productivity Commission Caring for Older Australians report identified a number of key weaknesses of the system including that:

• it is difficult to navigate;
• services and consumer choice are limited; and
• coverage of needs, pricing, subsidies and user co-contributions are inconsistent or inequitable.
The Government has implemented a range of measures to address these weaknesses. Some were started by the previous government but this Government has landed those changes and is going further - moving the system more in line with the Productivity Commission's recommendations.

In January this year, the Government transferred responsibility for the aged care complaints scheme from the Department of Health to the Aged Care Complaints Commissioner creating a more independent and robust approach to complaints.

The My Aged Care Gateway is now supporting people to find their way through the aged care system and, despite some initial difficulties, is now undertaking assessments for those people who need low level care at home. It is increasing its role as the one identifiable place to go for information and support to access aged care.

There has been significant work on addressing inconsistency and inequity in the pricing and consumer contributions to the cost of their care.

The Productivity Commission's report also stated that competition, rather than extensive regulation, is the key to delivering innovative, quality services and an efficient and sustainable system.

The Government maintains a crucial role in setting policy and in ensuring safety and compliance in aged care services. It will be there to promote equity of access, support vulnerable consumers and address market failures.

But it has to be acknowledged that market based solutions and consumer choice will increasingly be the driving force for quality, value and performance of services.

Moving to a market-based system, giving consumers choice and allowing providers to run their own services, is central to the Government's plan for the future.

The aged care system in Australia is world class and well respected, with high quality services that reach and meet the needs of a very diverse population.

However, as people are living longer thanks to better health and better health care, the demands on Australia's aged care system are changing. Older Australians want more choice and control over the care they receive. This demand will only increase as the "Boomers" and future generations require aged care services.

The Government's home care reforms, announced in last year's Budget, place a priority on ensuring choice and flexibility for older people.

At the same time, the reforms will strengthen the aged care system to provide high quality and more innovative services through increased competition.

These reforms will occur in two stages.

From February 2017, home care packages will be allocated to assessed consumers who will be able to direct Government funding to the provider of their choice. Even more importantly they will have the flexibility to change their provider if they want to or if they move to another area or state they can take their package with them.

Once these changes come into effect, providers will no longer have to apply for home care places through the Aged Care Approvals Round, significantly reducing red tape for businesses. The changes will also establish a consistent national approach to prioritising access to care.

This major policy change has received widespread support and the implementation arrangements for these changes have been developed in close consultation with stakeholders, including the National Aged Care Alliance and groups representing consumers, carers and providers.

Building on this first stage, the Government has also clearly signalled its intention to move to a single, integrated care at home programme. The second stage of home care reform, will further simplify the way that services are delivered and funded, and will commence from July 2018.
This next stage provides an opportunity to explore different funding and service delivery models, including activities that promote restorative care and firmly put the consumer in control.

The integration of the Home Care Packages Programme and the Commonwealth Home Support Programme in the second stage will be informed by extensive consultations with stakeholders.

This Bill implements stage one of the reforms and will amend the Aged Care Act 1997 and the Aged Care (Transitional Provisions) Act 1997 in three main areas.

Firstly, funding for a home care package will follow the consumer, rather than be allocated to an approved provider in respect of a specific location or region.

This will mean that the consumer will be able to take their package to any approved home care provider – consumers will no longer be restricted to providers that hold an allocation of places. Put simply, a consumer will be able to choose a provider that is suited to them. For example, a consumer may seek a service that specialises in providing linguistically and culturally appropriate care.

A home care package will also be portable for the consumer, if they wish to move location or change to another provider. The package, including any unspent funds, will move with the consumer to their new provider.

Approved providers will no longer have to apply through the Aged Care Approvals Round to receive home care places. This will reduce red tape and also increase competition in the sector by allowing more consumer focussed and innovative providers to expand their businesses to meet local demand and consumer expectations, including the needs of consumers with dementia and other special needs. The current Aged Care Approvals Round is expected to be the last round in which home care places are allocated to approved providers.

Secondly, there will be a consistent national system for prioritising access to subsidised home care. Currently, waiting lists for packages are managed by individual providers. There can be significant variation in the waiting periods for packages across Australia with no systematic way of measuring or addressing the variation.

Once these changes take effect, there will be a national system to manage eligible consumers’ access to packages within My Aged Care (the aged care gateway). An effective national system is important to ensure there is equitable access to care, as the total number of home care packages will continue to be capped in line with the aged care planning ratio.

A prioritisation process will take into account the relative needs and circumstances of consumers, determined through the comprehensive assessment undertaken by an Aged Care Assessment Team, and the time that a person has been waiting for care. A consumer who has been assigned a package will be supported by My Aged Care with referrals to approved providers, but the consumer will be able to choose which provider delivers their care.

There will be close monitoring of the new arrangements to ensure that all consumers, including people with special needs and those living in rural and regional areas, are able to access care in an equitable manner.

Thirdly, the Bill will reduce the red tape associated with providers becoming approved under the Aged Care Act 1997.

Increasing the number of approved providers able to provide home care will support greater choice for consumers, but importantly, new providers will still be required to demonstrate their suitability to become an approved provider. All approved providers will need to meet the Home Care Standards and will be subject to independent quality reviews.

The legislative criteria for assessing the suitability of a person to become an approved provider will be streamlined and made more contemporary. This will encourage new providers, including some
current Commonwealth Home Support providers, to enter the home care market, expanding the choices available to consumers.

Existing providers of residential and flexible care will also be able to become providers of home care through a simple ‘opt-in’ process. This recognises that these providers have already been tested against the standards required to become an approved provider of aged care.

Further, an organisation’s approval to provide home care will commence as soon as the approval is granted and will not lapse. Currently, approved provider status lapses after two years if the provider does not hold an allocation of places. To streamline the approved provider arrangements, the lapsing provision will be removed across all care types – home care, residential care and flexible care.

The changes proposed in this Bill are an important step in reforming the home care system so that older Australians have more choice and flexibility to receive care and services at home.

The changes also lay the platform for future aged care reforms, which will be informed by, and developed with, the Aged Care Sector Committee Roadmap for Reform.

TAX LAWS AMENDMENT (NORFOLK ISLAND CGT) BILL 2016

This bill amends the income tax laws to implement improvements to Australia’s tax laws.

This bill will provide a full capital gains tax (CGT) exemption on assets held by Norfolk Island residents, to assist the Norfolk Island community in transitioning into Australia’s mainstream taxation system.

On 14 May 2015, the Parliament passed the Norfolk Island Legislation Amendment Act 2015 ending decades of uncertainty for the residents of Norfolk Island. The Australian Government will integrate Norfolk Island with mainland social security systems, including access to Medicare and the Pharmaceutical Benefits Scheme. Immigration, customs and quarantine services will also be extended from 1 July 2016.

Norfolk Island residents will begin to fully apply the mainstream taxation system to all of their income for the first time and gain access to a broad range of Australian Government programs to help improve vital infrastructure and other community assets.

Following further consultation with the community, it was found that a historical lack of formal documentation for asset sales, as well as cultural practices relating to inheritance assets, are likely to inhibit the legislated application of CGT in some instances. To address these concerns, this bill will provide a full CGT exemption on assets held by Norfolk Island residents prior to 24 October 2015, the day after the exemption was announced.

This exemption will apply to those Norfolk Island assets that were exempt from CGT before Norfolk Island was fully brought within Australia’s mainstream tax system. Similar to the treatment of assets when CGT was first introduced in Australia in 1985, these assets will continue to be exempt until a CGT event happens (for example, the asset is sold).

The CGT exemption demonstrates the Government’s commitment to actively and regularly engage with the Norfolk Island community to ensure all residents have significant input into their future governance including through the Norfolk Island Advisory Council.

This exemption is part of a broader reform package which addresses longstanding issues facing Norfolk Island, which were explored in a Royal Commission, numerous reports, twelve Parliamentary enquiries and submissions over a 35-year period.

The Australian Government is committed to delivering the broad reform package with a focus on economic growth and prosperity for Norfolk Island.

Unlike any other community of its size, Norfolk Island has been required to deliver its own local, state and federal services since 1979. Asking a community of around 1800 people to deliver federal
functions (such as immigration, quarantine and customs, social services and taxation), and state and local government services, is neither appropriate nor sustainable.

The reality is, much infrastructure on Norfolk Island is in poor condition, the health system will be improved by better delivery of health and aged care services and many laws will be modernized to reflect those in other Australian jurisdictions.

This is why the Government is putting in place the necessary structural reforms to improve service delivery and boost economic growth, whilst preserving the island’s culture and local representation through concessions such as the CGT exemption in this bill.

We look forward to continuing to work with the Norfolk Island community to progress these important reforms.

Full details of the measure are contained in the explanatory memorandum.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Appropriation Bill (No. 3) 2015-2016
Appropriation Bill (No. 4) 2015-2016

First Reading

Bills received from the House of Representatives.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:20): 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 RYAN (Victoria—Minister for Vocational Education and Skills) (12:20): 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—

APPROPRIATION BILL (NO. 3) 2015-2016

Today, the Government introduces the Additional Estimates Appropriation bills. These bills are:

- Appropriation Bill (No. 3) 2015-2016; and
- Appropriation Bill (No. 4) 2015-2016.

These bills underpin the Government's expenditure decisions.

Appropriation Bill (No. 3) 2015-2016 seeks approval for additional appropriations from the Consolidated Revenue Fund of just over $1.3 billion.

I now outline the significant items sought in the bill.

First, this bill would provide the Department of Immigration and Border Protection with just over $447 million, this reflects additional funding for enhancing the management of the onshore Immigration Detention Network; further support for refugee resettlement arrangements; and additional support for the accommodation and processing of asylum seekers.
Second, the bill would provide the Social Services portfolio just over $277 million. The Department of Social Services would receive just over $102 million primarily to provide support services to resettle an additional 12,000 refugees who are fleeing the conflict in Syria and Iraq. The bill would also provide the National Disability Insurance Agency with just over $108 million for the transition to the full National Disability Insurance Scheme, as agreed with New South Wales, Victoria, South Australia and Tasmania. The Department of Human Services would also receive just over $11 million for Addressing Welfare Reliance in Remote Communities, which will provide increased incentives for job seekers to work and to strengthen the mutual obligation framework in Community Development Programme regions.

Third, the bill would provide the Department of Defence with just over $186 million, largely reflecting supplementation for foreign exchange movements and the net effect of the reallocation of funds between operating and capital costs.

Details of the proposed expenditure are set out in the Schedule to the bill and the Portfolio Additional Estimates Statements tabled in the Parliament.

I commend this Appropriation bill to the House.

APPROPRIATION BILL (NO. 4) 2015-2016

Appropriation Bill (No. 4) 2015-2016, along with Appropriation Bill (No. 3) 2015-2016 which was introduced earlier, are the Additional Estimates Appropriation bills for this financial year.

This bill seeks approval for appropriations from the Consolidated Revenue Fund of just over $905 million for 2015-16.

I now outline the significant items provided for in this bill.

First, the bill would provide the Department of Infrastructure and Regional Development just over $385 million reflecting, primarily, additional funding for the Roads to Recovery programme to help local government and councils maintain Australia's roads.

Second, the bill would provide the Department of Health with $125 million to be used as capital by the Biomedical Translation Fund following its establishment. The fund will be used to invest in promising medical discoveries and will complement the Medical Research Future Fund through the commercialisation of health and medical research.

Third, the bill would provide for the Australian Taxation Office just over $74 million largely for implementing single touch payroll reporting and for improvements to data and analytics infrastructure.

Details of the proposed expenditure are set out in the Schedules to the bill and the Portfolio Additional Estimates Statements tabled in the Parliament.

I commend this Appropriation bill to the House.

Debate adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

Veterans' Affairs Legislation Amendment (Single Appeal Path) Bill 2016

First Reading

Bill received from the House of Representatives.

Senator Ryan (Victoria—Minister for Vocational Education and Skills) (12:21): 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 RYAN (Victoria—Minister for Vocational Education and Skills) (12:21): 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—

VETERANS’ AFFAIRS LEGISLATION AMENDMENT (SINGLE APPEAL PATH) BILL 2016

I am pleased to present legislation that will give effect to one of the Veterans’ Affairs 2015 Budget measures.

Since coming to office, the Government has honoured its commitment to recognise the unique nature of military service.

The amendments made by the Veterans’ Affairs Legislation Amendment (Single Appeal Path) Bill will simplify and streamline the appeal process under the Military Rehabilitation and Compensation Act by changing to a single appeal path.

Currently, a claimant may seek a first tier right of review through either, but not both, the Military Rehabilitation and Compensation Commission or the Veterans’ Review Board.

They then have a second tier right of review to the Administrative Appeals Tribunal.

Following the changes in this Bill, the first tier right of review will be to the Veterans’ Review Board.

The Chair of the Military Rehabilitation and Compensation Commission has given a written undertaking to the Senate that upon an application to the Veterans’ Review Board being received, there will be an internal Commission review under section 347 of the Military Rehabilitation and Compensation Act. The internal review will operate in the same way as the section 31 review process under the Veterans’ Entitlements Act 1986, which is well understood by ex-service organisations and has been operating successfully for nearly two decades. This undertaking has been described in Explanatory Memorandum to this Bill.

The purpose of the change to a single appeal path was to avoid the complexities that claimants currently face relating to different time limits for the submission of appeals, different times taken to determine the review and the choice they make impacting on entitlement to legal aid and the awarding of costs for appeals that progress to the Administrative Appeals Tribunal.

The original proposal to change to a single appeal path has been modified so that the Tribunal will have, under certain circumstances, the discretion to order costs in favour of the claimant in relation to proceedings before the Tribunal in respect of reviews of Veterans’ Review Board decisions.

By limiting the circumstances under which the tribunal may award costs in favour of the claimants, the amendments also seek to ensure that this extension does not discourage the presentation of evidence at the earliest possible opportunity and the full participation and cooperation of claimants in the decision-making process.

Over the years ex-service organisations have sought an increase in the prescribed maximum amount, currently $467.50, for re-imbursement of medical reports obtained by applicants seeking review by the Veterans’ Review Board. Acknowledging this amount has devalued since its introduction in 1994, I commit to review this amount to a more realistic level.

Since 1 January 2015 the Veterans’ Review Board has been conducting a trial of Alternative Dispute Resolution in the NSW/ACT registries. The initial results have been positive. I am now looking to fully
evaluate the trial and examine the potential for a national roll out of Alternative Dispute Resolution at the Board.

These amendments will introduce a single pathway of appeal under the Military Rehabilitation and Compensation Act but will also ensure that the right decision is made at the earliest possible time at the lowest possible appeal level.

I want to acknowledge the very strong support for these changes from the veteran and ex-service community.

Debate adjourned.

Courts Administration Legislation Amendment Bill 2015
Returned from the House of Representatives
Message received from the House of Representatives returning the bill without amendment.

COMMITTEES
Membership
Message received from the House of Representatives informing the Senate of changes in the membership of joint committees.

Parliamentary Joint Committee on Corporations and Financial Services
Reporting Date
A message from the House of Representatives was reported acquainting the Senate with a resolution of the House:

Message no. 569, dated 2 March 2016, relating to an extension of time to 20 May 2016 for the Parliamentary Joint Committee on Corporations and Financial Services to present its report on its inquiry into the impairment of customer loans.

DOCUMENTS
Commonwealth Scientific and Industrial Research Organisation
Election of Senators
Order for the Production of Documents
Senator JACINTA COLLINS (Victoria) (12:23): by leave—I seek an explanation as to why the minister has not provided the documents required by the Senate under the orders agreed to by the Senate on 24 February, 29 February and 2 March. I note, as Senator Ryan indicated, that Senator Carr previously made queries with respect to one or two of the matters listed on the Notice Paper at page 13. I am specifically enquiring in respect to item 111:

Senate—Electoral law changes—Communications and minutes—Order for production of documents
By the Minister for Finance and the Special Minister of State, by 9.30 am on Thursday, 3 March 2016, documents recording all communications, and 'round table' meeting minutes in relation to Senate electoral law changes.

In fact, that one is more of a summary I think of the full motion. I should, perhaps, for the benefit of Senator Ryan, read the full motion that was passed by the Senate where it was requested:

________________________________________
CHAMBER
That there be laid on the table by the Minister for Finance and the Special Minister of State, no later than 9.30 am on Thursday, 3 March 2016:

(a) documents recording all communications with the Australian Electoral Commission (AEC) by:
   (i) the Minister for Finance,
   (ii) the Acting Special Minister of State,
   (iii) the Special Minister of State, and
   (iv) the Department of Finance;
   relating to proposed changes to the Senate voting system, including the Commonwealth Electoral Amendment Bill 2016, since 1 September 2015; and

(b) the minutes of all 'round table' meetings that have taken place in which the AEC participated.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:25): Senator Collins, I did ask whether this was a matter that was raised by Senator Carr, earlier. He raised two issues earlier and this was the second one he raised.

Senator Jacinta Collins interjecting—

Senator RYAN: Can I just inform the chamber about some facts. I said I would bring information back into the chamber and I have. With respect to No. 107 and No. 109, which were two queries related to the CSIRO, I do not know the content, but some documents were received by the Table Office at 12.09 pm, today. I table documents relating to the orders for the production of documents concerning the CSIRO Oceans and Atmosphere division restructure. I hope that addresses one of your concerns, Senator Carr.

Senator WATERS (Queensland—Co-Degutary Leader of the Australian Greens) (12:27): by leave—I ask the minister to clarify whether the documents that he has just tabled, which we look forward to receiving shortly under OPD No. 107 and No. 109, are the complete list that was requested under each of those orders or are they simply a subset?

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:27): I honestly have just received the documents, Senator Waters, and you will receive a copy. You are probably more informed on the detail of the request than I am, to be honest. The documents are now with the attendants so we may hear more from you about that. I have also received some advice from the Office of the Special Minister of State. There has been a bit of work involved and a response will be tabled shortly.

Senator DAY (South Australia) (12:28): by leave—What was most telling was the government's refusal to allow the Department of Finance to give evidence to the inquiry when it was quite happy for its other constituent parts, the Liberal Party's national director and the National Party's federal director, to take up time giving evidence on something that they actually helped construct and clearly agreed with. The government is clearly in a rush with this legislation. I have to leave to one side, given time limitations, the amazing about face of the Greens in that they would, it seems, support gagging debate to ram this legislation through in the next sitting week. My question is: why is the government deploying the big guns, sealing the mother-of-all backroom deals built on the mother-of-all captains calls by the Greens leader, by using the mother-of-all gagging approaches for the next sitting week to ram this legislation through. Why the rush?

Senator JACINTA COLLINS (Victoria) (12:29): I seek leave to move a motion to take note of Senator Ryan's explanation.
Leave not granted.

Senator JACINTA COLLINS: The traditional response to a matter such as this is for me to seek leave to take note of the minister's response—

Senator Ryan interjecting—

Senator JACINTA COLLINS: and I have done so—

The DEPUTY PRESIDENT: I am happy for some discussion across the chamber if it actually helps the chamber move forward, but we need to limit that.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:30): I seek leave to make an explanation.

Leave granted.

Senator RYAN: These queries were raised with me 40 minutes ago. In that 40 minutes we have tabled a response to two of the queries raised by Senator Carr. I have informed the chamber, Senator Collins, that with respect to this query officials are checking documents. I have said a response will be provided shortly. With respect, we were not provided notice of you seeking to move a motion. I have sought to answer you and gather as much information as I could in less than 40 minutes while I was in the chamber. I think, in that case, the government have responded to these queries particularly rapidly.

Senator JACINTA COLLINS (Victoria) (12:31): I thank Senator Ryan for anticipating what my statement might be, but I simply want to respond to the explanation that he has provided us with respect of dealing with this order for the production of documents which was required by 9.30 this morning. So I, again, seek leave to move a motion to take note of the explanation.

Leave not granted.

Senator Ryan: We won't grant leave for the motion but we will for a five-minute statement.

The DEPUTY PRESIDENT: I am getting an indication from the Government Whip that leave will not be granted for you, Senator Collins, to move a motion, but leave may be granted for you to make a five-minute statement. If you want to readjust your request for leave, it is a matter for you, Senator Collins. I am happy to put whatever question you want again for the government and see if leave is granted.

Senator JACINTA COLLINS (Victoria) (12:32): Mr Deputy President, I appreciate your attempts to facilitate this. If it helps the government that I seek leave to make a five-minute statement rather than seek to move a motion, which is the traditional response in respect of an order for the production of documents, I do not see that that limits my capacity to speak. I would like to clarify, because I know other senators—Senator Day was one, but I think there may be others—want to know the situation on this matter, whether they would be able to also make a motion or a statement on this.

The DEPUTY PRESIDENT: We will have to deal with that as it arises. You now need to make a request to do something.

Senator JACINTA COLLINS (Victoria) (12:32): Okay, Mr Deputy President—I will assist you with a request for leave to make a five-minute statement.
The DEPUTY PRESIDENT: Leave is granted for five minutes.

Senator JACINTA COLLINS: I would like to make a statement in respect of not so much Senator Scott Ryan's response to our queries on the order for production of documents that moves are still afoot to bring this information forward. I thank Senator Ryan for that explanation and appreciate that hopefully that will be fairly soon. 'Shortly' can be a somewhat vague term. I would instead like this opportunity to bring to the Senate's attention that the next item of business on the red is the bill that these matters relate to. Resumption of the second reading debate on the Commonwealth Electoral Amendment Bill 2016 is the next matter in the Order of Business. The information that we are seeking here is very important information that has still not been provided on the Senate committee that reported yesterday at eight in the morning and which the government very promptly responded to by noon! I would like to know when the government actually met. Where was this cabinet meeting that met to consider the recommendations in the committee's report? That is what is before us without the information that the committee discussed in the hearing. Indeed, we were advised that the AEC could not provide it but that the Department of Finance could.

Again, to give yet another example of the haste in which this process has proceeded, today I sought out—and this might benefit other senators as well—the answers that the AEC gave to the committee in the hearing. Unfortunately, the procedures of this joint committee through CommDocs were a bit fraught. I mentioned the other day that I had difficulty accessing the chair's draft because I was not in the building at the time. Unfortunately this committee did not advise senators that answers had come in either. So today I went hunting for the answers from the Australian Electoral Commission and, indeed, I discovered that a little time back the AEC had actually responded to our questions but that the response was very limited. For instance, on my question around the role of the Department of Finance and what had occurred there, the AEC's response was, 'The development of legislation was managed'—and this might assist other senators—'by the governance and public management division of the Department of Finance.' So we know that much now. We know which element of the Department of Finance was working on this matter, not that the minister or the committee would allow them to appear at the hearing. Unfortunately, the next point from the AEC was that the AEC could not comment on the considerations of the government, which is why we are waiting for the answers from the Department of Finance before we can promptly consider this legislation.

I know Senator Carr and other senators have revisited this but, seriously—and this is a message to the Australian Greens—this is basic governance 101. When you are considering complex, detailed legislation and its implementation, the committee needs to talk to the relevant department.

Senator Siewert: Mr Deputy President, I rise on a point of order. Could you please remind Senator Collins that she is to address her comments to the chair.

The DEPUTY PRESIDENT: Of course. Senator Collins, please address your comments through the chair.

Senator JACINTA COLLINS: I am thankful for the reminder that I should direct my comments to the chair, because I know that the Greens have raised that they are particularly sensitive about senators looking at them in the chamber. We cannot look at the Greens in the chamber as it seems at the moment they are so sensitive about this backroom deal.
Honourable senators interjecting—

Senator JACINTA COLLINS: Mr Deputy President, if I am not to look that way, could you please protect me from the interjections, because I am being tempted! I am being provoked to look that way.

Senator Siewert: Mr Deputy President, I rise on a point of order. Perhaps if Senator Collins had not made a mistake in her recollection that it was Senator Ludwig who raised this issue in the first place when I was speaking—

The DEPUTY PRESIDENT: I think you are now debating. Senator Siewert, that is not a point of order. Resume your seat. I remind senators that if they are going to interrupt another senator speaking they should do so to raise a point of order, not simply to engage in further debate.

Senator JACINTA COLLINS: Let me conclude, since I only have five minutes at this point, on the critical point here: we are being asked to consider this significant electoral reform legislation—the first of its kind in 30 years—which is based on backroom discussions between the Australian Greens, Senator Xenophon and the government, with no information. But, for the first time in my parliamentary experience, we have been shielded from the department. The committee and the government would not allow the Department of Finance to appear before the committee, and we are waiting for this information so that we can give proper consideration to what the government took into consideration. (Time expired)

Senator DAY (South Australia) (12:38): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave has been granted for five minutes, Senator Day.

Senator DAY: Why the rush? Where was the public outcry? Where was the harm and the imminent risk to the Australian public to justify getting this legislation through in the next week? The Australian Electoral Commission appeared before the hearing. We did not get the opportunity to question the Department of Finance, because they were not permitted to attend. We asked the Australian Electoral Commission about their capacity to educate the public and what their likely success would be in educating the public in voting 1 to 6 above the line, and they could not say. In spite of prompting and saying, 'What about the New South Wales experience?' and asking, 'What is the likely result? What percentage of the population are likely to vote 1 to 6 above the line?' they could not say. But I think we all know what will happen: the majority of people, over 90 per cent, will simply put a 1 above the line—and their votes will die, make no mistake about that. Their votes will exhaust.

I heard Senator Fawcett last night saying that people voted for him once when he lost and isn't that the same thing? It is clearly not the same thing. It is totally different. People backing the wrong horse and the horse losing is completely different to not putting any money on a horse at all. If the person who you put a 1 alongside has no chance, your vote dies. The great feature of the Australian electoral system is that every vote is precious. We have a preferential system. If the person you vote for as number 1 is not successful, then your vote transfers to your second choice. There is an obsession with these best-on-ground performances. Look at how many first preference, best-on-ground votes Senator Muir got. He did not get very many, but so what? Senator Muir may be the best back-pocket player in the world. He may never get a best on ground or even a second best, but could get, time and time again, one point every week. Our votes all add up. Preferences all add up.
These changes to the voting laws are a sham. The minor parties and Independents being wiped out is not going to be a consequence; it is an objective. That is the objective. The Liberals, the National, the Greens and Nick Xenophon want it for the next election—what it is looking every day more and more like a double dissolution. This Senate is supposed to be a house of review. Senator Xenophon and the Greens have regularly pontificated about the dangers of rushing debate. I have not been here all that long, but I have seen so many mistakes being made and having to be corrected. Why? Because things are rushed. My father used to say that it is more important to do something right than to do it quickly, and we should pay heed to that.

This order is about getting the facts on the table immediately as to how this legislation was put together and, more importantly, when. When was it agreed to? What were the dates that it was agreed to and, indeed, what are the steps that have led to it being amended already by the government? It has not even passed yet and there have been amendments. I support the motion.

Senator RYAN (Victoria—Minister for Vocational Education and Skills) (12:42): I seek leave to speak for just under three minutes until 12.45 pm.

The DEPUTY PRESIDENT: Leave is granted.

Senator RYAN: As I said earlier, when I was presented with their queries after I entered the chamber at 11.45 am, I made some queries, as I promised the chamber I would. With respect to the first two, orders for the production of documents regarding the CSIRO, they were provided to the chamber earlier this afternoon. With respect to the third request from Senator Collins, I have made it clear that officials are finalising that proposal and they will be presented shortly. I take Senator Collins's comments that 'shortly' can have an elastic meaning. Indeed, when I was sitting on the other side of the chamber I do recall it having quite an elastic meaning. I understand that 'shortly' will be in the common use of that terminology, as in 'sometime soon'.

I know that those opposite's spiritual political cousins in the US are the Democratic Party, but their attempts at Strom-Thurmond- and Richard-Russell-like filibustering over the course of this bill over the course of the last few days have brought this chamber, quite frankly, to a new level. I have never, in my nearly eight years in this place, seen a debate that went for more than a day on a message from the House of Representatives. At every single opportunity that has been presented to this chamber, those opposite have sought to prevent deliberation on this bill. They have sought to prevent debate on this bill. And I say particularly 'those opposite', because the filibustering, Senator Day, in response to yours, was driven by those opposite. The point is that this is a bill that reflects the findings of the Joint Standing Committee on Electoral Matters and it reflects those findings that were signed off by the Labor Party and indeed submitted by the Labor Party.

Senator Kim Carr: No, it doesn't.

Senator BUSHBY: The filibustering techniques undertaken by those opposite will not prevent Senate deliberation on the bill. We will not descend to the juvenile tactics shown by those opposite, which seek to prevent debate and deliberation.

Debate interrupted.
Senator MOORE (Queensland) (12:45): I rise to speak on the Business Services Wage Assessment Tool Payment Scheme Amendment Bill 2016. This bill amends the Business Services Wage Assessment Tool Payment Scheme to provide a higher payment to people with disability who were paid an unfair wage under the previous tool. This issue, as most people in this chamber know, has a long and quite complex history. It is important, when we go through the process to pass this bill, that we understand some of that history.

The Business Services Wage Assessment Tool, otherwise known as BSWAT, has been used to determine the wages of people with disability working in Australian disability enterprises. There are about 20,000 Australians employed at Australian disability enterprises. Supported employees working at these organisations are paid a pro rata wage, calculated using a number of different wage assessment tools, of which BSWAT is one. About 10,000 workers with disabilities were assessed using BSWAT. So, on the figure of 20,000 in total, 10,000 is a significant number.

In 2012 the Federal Court found that this particular tool indirectly discriminated against people with intellectual disability. This was because BSWAT assessed the competency as well as the productivity of the employee, meaning a person with intellectual disability was paid a lower wage on the basis of their intellectual impairment. Following this ruling, a class action was brought against the Commonwealth on behalf of supported employees seeking back pay for the wages they had been underpaid as a result of being assessed under a discriminatory tool.

While this class action was underway, the government introduced legislation to set up this payment scheme. The scheme offered back pay worth 50 per cent of the difference between what workers actually received under BSWAT and what they would have received if the competency component of the tool had not been included. Labor opposed the original bill, not because we do not support a payment scheme—we actually do and are on record as doing so—but because the Federal Court found that these supported employees were indirectly discriminated against because of the type of their disability. They were paid a wage that was based not on productivity and performance but on ignorance. Of course we support justice for them. Ms Macklin, in the other place, has made it quite clear that the focus is fairness and justice. Of course we support a payment scheme to help compensate for the wages that were lost.

Labor opposed the original bill because it unfairly silenced people with disability. It meant that people who accepted a payment under the scheme were precluded from pursuing further legal action for lost wages. As we said in this chamber, it was wrong for the government to deny the legal rights of people with disability at exactly the same time as the class action was underway. People with disability denied justice and denied wages deserved their day in court. Labor came to this position after listening to the views of people with disability and their
advocates and as well as after an extensive Community Affairs Legislation Committee inquiry hearing on the legislation, where we were able to hear a range of evidence which looked at the issue of exactly what was fair.

People with disability did not support the original scheme and the onerous conditions it placed on them. So Labor opposed it. We were guided by what people with disability wanted. It was true then and it is true today. This important legal process has now been completed. Labor welcomes the settlement that has finally been reached between supported employees and the Commonwealth. The settlement means that thousands of workers with disability will get fairer back pay for the wages they were denied—a much better deal than would have been the case if this class action had not proceeded and the original payment scheme had been left in place.

Under the settlement, people with disability who were originally paid wages under BSWAT will be paid 70 per cent of the difference between the wage they received and the wage they should have received. The original act needs to be amended to reflect the agreement that has been reached. The Federal Court will then be in a position to approve the mediated settlement, and that is the purpose of this bill today.

Now that people with disability have reached this settlement—an agreement that I am assured they are happy with and an agreement that actually involves them—we support this legislation to give effect to the settlement. Once this happens, those who were involved in and supported the class action can apply for payment under the scheme. Those who have already received a payment under the existing scheme will receive an automatic top-up to reflect the better deal reached under this settlement.

Importantly, the registration period for the scheme will be extended by 12 months to give people more opportunity to apply for a payment. This was a really important element of our concerns with the original legislation when it came into this place. We were deeply concerned about the time people had to make such an important decision which would impact on their lives. This is an issue that was raised by many families as well.

Labor is pleased this issue can finally be resolved and that people with disability can receive a fairer wage for the work they performed. These payments will reflect historic indexation and will not be assessed as income for social security purposes—another point raised in previous debate about whether any payment would then count as income for social security purposes. So the department and the ministry have clarified that.

On behalf of the opposition, Ms Macklin and I want to pay tribute to the two individuals who initially challenged the validity of this wage assessment tool and the thousands more who subsequently joined them in the fight for fairer pay. Always, it seems, there need to be some individuals who have the courage to step forward, and in this case we deeply appreciate their work. I also want to acknowledge the many organisations and advocates who stood with the employees and supported their cause. We can now move on from what has been a very difficult process over very many years and we can focus on the other issues in this area that are yet to be properly addressed.

While this bill goes overdue justice for some supported employees with disability, it does not end the ongoing uncertainty surrounding the future of Australian disability enterprises and the very cause of supported employment. The government is developing a new productivity
based wage assessment tool to replace BSWAT. We have been waiting a while this tool. I understand this work is still being progressed through the Fair Work Commission. Again, it is important that this work is finalised as quickly as possible. I urge the minister to make it a personal priority. The sooner we can get an unambiguously fair assessment tool that will ensure that people with disability are being paid a proper, non-discriminatory wage, the sooner we can end the financial and legal uncertainty that is shrouding this sector. This will be better for people with disability and their employers.

The government must also address the concerns regarding wage supplementation for Australian disability enterprises. Opposition members have received several troubling reports from our local organisations, reporting that this process is unwieldy, lengthy and inadequate. Alarmingly, some Australian disability enterprises have told us that they are hundreds of thousands of dollars out of pocket after their wage supplementation payments. This is placing some of these enterprises in immediate financial jeopardy. We know this because many of them have come to visit us to talk about the issues they are facing. Some of these organisations have been working in local communities for many years. There is a particular relationship between some of the enterprises and their local communities, and there is a sense of ownership in many areas. In my own part of the world, on the Darling Downs, there are a number of these enterprises and they are part of the make-up of the community. We know that they are in serious financial stress in some areas.

Labor believes that government can do more to support and reassure the sector, and that more must be done. The interests of people with disability are best served by having a sustainable Australian disability enterprise sector capable of paying fair wages. This is what the government should aim to achieve. The truth is that we can do more to ensure that people with disability are full participants in the community. Too many people with disability want to work, and can work, but are just not given the opportunity to. From OECD statistics we know that Australia continues to have one of the lowest employment rates of people with disability. We know that we can do better. It is just not good enough, both for the people with disabilities and for their families—or in fact the message that is being sent to the wider community.

Too many people with disability live in poverty and disadvantage. As you know, over many years our Community Affairs Committee has held various hearings and inquiries. Consistently, when we are speaking about disadvantage people with disabilities tend to suffer greater in regard to the lack of opportunity for education and employment. In fact, the poverty statistics are alarming, and they continue to be. Too many people continue to live on the margins of society, isolated and alone. We know we can do more.

The National Disability Insurance Scheme is a big part of this. I want to acknowledge the work that my friend Senator McLucas has done over way too many years on both the development and the implementation of the scheme. We know that that will be only one part of the area around support for people with disabilities. While the NDIS will transform the lives of hundreds of thousands of Australians, many more people with disability will still need our support as they too can reach their full potential so that they can have the opportunities that are available, and should be available, to all Australians. It is for this reason that Labor believes the National Disability Strategy must be reinvigorated to ensure its goals reflect the goals of Australians living with disability; to ensure our efforts stretch across every area of
policy-making; and, to ensure we implement these strategies and not just continue to talk about them. No, I think we in this place should continue to talk about the issues around disability as many times as we can to ensure that people with disability do not feel either forgotten or marginalised.

It is important that the wages that people with intellectual disability deserved but were deprived of will finally be received. In the final analysis, this issue is about much more than a wage. It is about respect. It is about whether we can respect the capabilities and contributions of people with intellectual disability. It is about whether we value their work and whether we recognise them as equal members of society. It is also about whether we engage with them on issues that impact on them. Again, the ongoing motto of the consumer network can be repeated: 'Nothing about us without us.' With this settlement we can go some way to restoring not just the wages but the respect that people with intellectual disability have been denied. It is a good time that we are able to say that this particular piece of legislation will be passed into law.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:58): It is with pleasure that I stand to speak on the Business Services Wage Assessment Tool Payment Scheme Amendment Bill 2016. I too will refer to it as BSWAT from now on. This issue has been ongoing for a long time—in fact, for too long a time—which means that people with an intellectual disability who have been underpaid under successive governments have had to wait to get this back-pay and to get their issues around underpayment addressed.

Workers with disability have been underpaid and they have been trying for many years to get this issue remedied and addressed. In fact, they have had to take the matter to court to have it addressed. Personally, I think it is a great shame that they had to take it to court. It should have been dealt with a while ago. We have debated the previous bills, and I will come back to those bills in a minute.

People with an intellectual disability are significantly underrepresented in the workforce and it is important that we address this issue. Inclusion Australia has said that workers with an intellectual disability face large gaps in support for helping them to move into open employment, earn a real wage, and reduce their reliance on the pension. It is my contention that if they had been paid appropriate wages, and not underpaid, that would have helped people move into open employment. We do need structural change to the system and we need significant changes that will genuinely help workers with an intellectual disability. Increased participation should not occur because of reduced wages. This discrimination is unacceptable, and I am glad to see that the court system found that the BSWAT wage was discriminatory for workers with an intellectual disability.

We are deeply concerned that it has taken some time to work through various processes to get to the point that we have, but I am glad that we are finally there. Concerns were raised by a number of stakeholders, including Inclusion Australia, People with Disabilities and the AED Legal Centre, about the process and about the tool being fundamentally flawed. That is why I am glad we are debating this bill today, which addresses issues around the previous bill. The earlier bill, the BSWAT Payment Scheme Bill 2014, was unacceptable. As we have just been
discussing, and as Senator Moore has just been saying, people would have been forced to waive their legal rights to access payments. The bill only covered people with an intellectual disability, not other workers who might have been underpaid in the same ADE. It only offered up to 50 per cent of what was already owed. I spoke strongly against this in the parliament, and I outlined then how it was not supported by workers and advocates, who were strongly urging us not to pass that bill.

Fortunately, those fighting for justice on this issue have now been successful. The changes in this bill—given it is non-contro I hope it will succeed and pass through this place shortly—can provide the basis for a settlement. There are some key differences in the current bill from the previous version passed by this place. Payments will be calculated at 70 per cent, not the full 100 per cent but an improvement on the 50 per cent that the government previously tried to impose. This is supported by stakeholders. The bill extends the date for registering, applying and accepting under the payment scheme by 12 months, to May 2017; the payments will be provided in a lump sum which is exempt from social security income tests; and a tax offset will be available. This means that people who have been discriminated against will receive the payments they deserve. I am glad to see that the government is extending the date by which people have to enrol in the scheme. This was one of our concerns with the previous bill. Under the government's previous bill, people would not have been able to take as much time to make a careful choice, so we think extending the time frame is a good step. It will give people a little more time to make their choice.

I am also glad that people who previously received the 50 per cent payment can obtain a top-up. We understand that because of the uncertainty involved in the court case, some people accepted the government's 50 per cent payment offer—which of course was the government's intent. Fortunately the findings of the court have required a different approach. I am glad that people who received the 50 per cent payment will be able to receive an increased payment to reflect the 70 per cent rate in the settlement. The measures in this bill will depend on the terms of the settlement being agreed by the Federal Court. After this bill passes the parliament, if the Federal Court agrees, the parties can reach a settlement. This is an important step in resolving this issue. This is not the final step in the process, but it is a very important one and I am pleased the government has acted in a timely manner and that therefore we can deal with this matter in this place in a timely manner also.

Maurice Blackburn Lawyers, who have been running this case, have urged the parliament to support this bill. Disability Advocacy Network Australia is supportive of the bill, and People with Disability Australia said:

People with disability Australia … and the AED Legal Centre have warmly welcomed this decision by the Federal Government and hailed it as a win for employees with disability.

Samantha French from PWDA said:

We would have preferred the Government came to the table a lot sooner, rather than drag this through the courts, but we are pleased to have an outcome which sees wage justice for these employees.

The AED Legal Centre said they welcome the Commonwealth's offer, and they go on:

We think this is a great outcome for all supported employees eligible for a payment under the BSWAT Payment Scheme.

I would like to take this opportunity to congratulate the people who have pursued this case to this point and who have put up such a strong case and kept fighting for this outcome. It has
been a long and difficult court process for the employees, the lawyers and the advocates. They have done important work in supporting people with an intellectual disability through this process and in continually raising the profile of this issue. It is disappointing that governments took so long to reach this point. People who have been underpaid should not have been made to wait this long. They should not have had to fight their way through the courts. Because the government held out on paying people what they deserved, they have missed out. As I have said in this place before, imagine how much better people's lives could have been if they had had access to their proper wages, to this money, earlier. I must say this is not the only example in this country of, in effect, stolen wages—it is a bit different from stolen wages but it has the same impact on people's lives. It has taken years for the government to take action and people have had to face many challenges to recover this money. It is a very good example of when people see an injustice and discrimination and they keep fighting they get a resolution. I think people should be very proud of the work that has been undertaken and the collaborative approach that has been taken in getting this outcome.

I share concerns about progress in developing the tools that will replace BSWAT. We need to make sure that they are there for people with an intellectual disability. We will continue to keep a close eye on the process. It is good to see that people will be getting the wages and the back pay they deserve. We strongly support this bill and commended it to the Senate.

Senator McLucas (Queensland) (13:06): I too want to join this debate on the Business Services Wage Assessment Tool Payment Scheme Amendment Bill 2016. I do so on the back of some comments that were made yesterday in this place, where Senator Fifield, as a former minister with responsibility for this area, implied that it was only he and Senator Siewert who knew anything about the way the Business Services Wage Assessment Tool works. I say to Senator Fifield that I think Senator Moore has quite a bit of experience in dealing with this issue, but, without trying to self-promote, I think I have been around it for a while as well.

I want to join this debate to say that this is the end, hopefully, of a very long story that has its origins back in 2004, when I think it was Senator Patterson who was the Minister for Family and Community Services—and I am not saying I am blaming Senator Patterson by any stretch. There was a need for an assessment tool that would assists the about 20,000 people who work in disability enterprises in our country to ascertain their productivity, so the Business Services Wage Assessment Tool was born. The problem that we made then was that there was an assessment of the productivity of a worker but the one element that was added into that was that the worker had to prove that they themselves understood all of the occupational workplace health and safety requirements of that business workplace. That is the crux of what went wrong then. We have not resolved that, but today we are fixing up what has happened since 2004 to date.

When Mr Nojin and Mr Prior, supported by AED, the legal service in Victoria, took the matter to the Federal Court, initially they were not successful. But on appeal they were successful in making the case that there was discrimination in the way that this tool was employed to ascertain their productivity. In many respects I have a lot of sympathy with the case that was made. In what workplace in Australia is it the responsibility of the worker to prove that they themselves understood all of the occupational workplace health and safety requirements of that business workplace? In what workplace in Australia is it not the responsibility of the employer to ensure that they have a
safe workplace? That is the crux of what the matter was about. When Mr Nojin and Mr Prior won that case, there were implications.

Let us recall what we are talking about when we talk about Australian disability enterprises. Under the former Howard government ministry they were called business services. During that time, it was very hard for these business services to promote themselves. People did not know what they were, but the organisations were then called Australian disability enterprises, which allowed the community to better understand but also allowed those organisations to better promote the services that they offer. They are services that have been around in Australia's disability service system and employment system for a long time, and they are a growing and changing part of the employment system for people with quite severe intellectual and physical disabilities. About 20,000 people work in these places of employment. They range from packing businesses, mowing and garden maintenance. A lot of them run plant nurseries and screen printing. Laundry services are very popular. Food service is a growing area of activity. There are also some very creative business services or Australian disability enterprises in our country, and we can be very proud, in most part, of the work that they are doing across the country. I commend those that have been courageous and gone into the area of arts development. There is a wonderful place called Arts Access Victoria. They are doing amazing things with a tiny little bit of federal government support and supporting far more people than the little bit of funding that the Commonwealth, under both governments, give them.

As I said, it is an industrial instrument. It went to court and then it was beholden of the government back in 2013 to do something about it. At that time we were coming very close to the 2013 election and at that point a holding pattern was put in place to say that our government, as it was at the time, would begin the process of establishing an alternative wage assessment tool that would not offend the Disability Discrimination Act and that we would work with Australian disability enterprises to ensure that there would be some certainty about their ongoing activity.

There is some controversy in the country around the future of Australian disability enterprises, but it is my very strong view that they are very well supported and very desired by almost all of the people who work in these enterprises and their families. They provide a marvellous service for those who wish to work in these businesses, and I personally support them very strongly.

I commend Mr Nojin and Mr Prior for the work that they have done and for the leadership and the strength that they have shown in taking a matter through the court system on behalf of their coworkers. This is no easy task, as we all know, so they have done a great job.

There is another person that we need to commend very, very strongly in this whole process, and that is the former Disability Discrimination Commissioner, Graeme Innes, who assisted in negotiating between the disability sector, the workforce and their families, and government to find a solution to this complex and difficult situation that we all found ourselves in. It does go to show, though, why having a Disability Discrimination Act Commissioner is so essential to ensuring that people with disability in our country do have a voice and, in this case, a voice that can negotiate the very, very complex—historically complex, legally complex and emotionally complex—set of issues that was placed before us all.
This bill has appeared before us on a number of occasions, as senators will recall. But I am very pleased to say that Labor can now support it. We have been trying to negotiate, along with others, to get the government to a point where we have a set of principles that we as a nation can agree are just and fair. It is good to see that the elements of this bill are supported by the workers and their families, Australian disability enterprises themselves and, now, hopefully, the parliament.

I think the significant difference is that this bill increases the one-off payments from 50 per cent to 70 per cent of the difference between the actual wage paid to the eligible person and the amount they would have been paid had the tool productivity-only component been applied. So, if you look at the productivity-only component and remove the element of proving your understanding of the workplace health and safety rules, that is how you can get to an agreement about productivity.

The bill provides a top-up payment for persons who have already received a 50 per cent payment under the BSWAT Payment Scheme. It removes the current compulsory requirement to obtain legal advice before any payments are made. It extends all relevant scheme dates by 12 months. It clarifies certain administrative arrangements and enables a deceased person's legal personal representative to engage with the payment scheme on their behalf. On that basis, Labor can agree to this bill.

I agree with Senator Moore's statements about the impact on the business arrangements of Australian disability enterprises. These are not highly profitable companies. They are organisations for which, if they turn a profit, that is a good year. They work hand-to-mouth. They struggle hard for a regularised business outcome. So any hit to their bottom line is terribly concerning. I do commend to the government a way forward that will ensure their longevity into the future.

Finally, I urge the government to continue to work, but much faster than it could be—this started back in 2013—to find another wage assessment tool that can be registered with the industrial relations commission, does not offend the Disability Discrimination Act and is fair to these 20,000 people who are working in ADEs in our country. Thank you.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:18): I thank senators for their contributions and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The Acting Deputy President (Senator Back) (13:18): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:18): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
BUSINESS

Rearrangement

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:19): I move:

That intervening business be postponed till after consideration of government business orders of the day relating to the Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016 and the Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016.

(Quorum formed)

Question agreed to.

BILLS

Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator Cameron (New South Wales) (13:22): I rise to speak on the Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016. But first I want to look at the Norfolk Island Legislation Amendment Bill 2015, which ended the island's self-governance in exchange for access to Australian government services and programs, and why that original proposition was put.

Norfolk Island used to have a tax-free regime, which was part of the old British and Australian colonial system. Like the Cayman Islands, where tax rorts can take place, rich people could access a magnificent lifestyle, and, as long as they could pay for their own health, their children's education and get out of the place if they needed to, then everything was okay. But if you are a worker on either the Cayman Islands or Norfolk Island you have a completely different lifestyle. You have no access to a social safety net of any significance, or, in some places, no access to any. You are in an area where the day-to-day costs of living are higher. When something goes wrong for a worker, without access to medical attention and a proper education system, the whole community framework falls apart for that individual. It was okay if you had plenty of money. It was okay if, in the past, you were using Norfolk Island to dodge tax. You were okay, but the ordinary worker had no backup.

There was a long debate leading up to the passage of the Norfolk Island Legislation Amendment Bill where the Norfolk Island elite—if I can put it that way—were in this place lobbying to maintain a position of independence from Australia in various health and education systems and their governance system. When they came to see me I was not convinced that this was an appropriate thing to do. I do not think that their lobbying exercise, which was full-on, convinced anyone in the chamber that this was a good thing.

Some of the more extreme, right-wing members of the coalition would argue that government should only provide defence and a court to look after property rights—the old Hayekian approach to economic policy—but that does not work in practice. Norfolk Island was a clear example of where simply allowing the rich and powerful to have a standard of living that was beyond the wildest dreams of anyone else, but where there was no access to health, education and social services for the rest of the community, does not work in practice.
It just shows that the argument that the market will look after everyone is an absolute nonsense. That is why the majority—Labor unanimously—supported this across parliament, and a new, local-government-style council replaced the old governance regime that was in place. The New South Wales government now delivers state based services to Norfolk Island.

A bipartisan report of the Joint Standing Committee on the National Capital and External Territories entitled Same country: different world—the future of Norfolk Island found that infrastructure on the island was run down, the island was indebted to the Commonwealth by approximately $11 million and the federal government had spent tens of millions of dollars keeping the island's government running. It was not feasible that some multimillionaires could live on Norfolk Island and could access medical help by simply jumping on a plane and heading to the Australian mainland, while workers on Norfolk Island had substandard health, substandard education and substandard infrastructure to carry out their day-to-day living. Despite the theoretical views of some in the coalition that the market would fix these problems, it was clear that the market was never going to and that the government had to intervene to resolve them.

The Tax Laws Amendment (Norfolk Island CGT Exemption) Bill 2016 amends the Income Tax (Transitional Provisions) Act to give capital gains tax exempt status to assets held by Norfolk Island residents prior to 24 October 2015. This is akin to the pre-CGT exempt status applied to assets purchased before 20 September 1985, when capital gains tax was introduced into the Australian income tax system. This small amendment remedies concerns raised by Norfolk Island residents about the tax treatment of capital gains in the original legislation, bringing the island into Australia's tax regime. The change will not apply to assets held by Norfolk Island residents who would not have been exempt from CGT before Norfolk Island was fully brought into the Australian income tax system. Assets acquired by Norfolk Island residents on or after 24 October 2015 will be subject to the normal operation of the capital gains tax rules from 1 July 2016.

It is a little ironic that this government is moving to make changes to the capital gains tax rules specific to Norfolk Island while squibbing the much more significant question of Australia's unsustainable settings on the capital gains tax discount and negative gearing. As I think I have said before, I live in the Lower Blue Mountains in New South Wales. I have family who live around the Parramatta area. I have had a look at some of the house prices around Parramatta. In the past, if you were a young couple brought up in the eastern suburbs, or one of the more salubrious suburbs in Sydney, you may have found that, to bring up a family, you had to move out west, as many families do, to get a great lifestyle out in the western suburbs of Sydney. If you wanted to move out there, you could do it and you could actually afford to buy a house to start your family's life in the western suburbs of Sydney, and many people would commute into Sydney to carry out their daily work. But now, if you look at the suburbs surrounding Parramatta, a three-bedroom, tarted-up, ex-housing commission, fibro home costs $905,000. How can any young family afford that?

Part of the problem is that, with many of these houses, the prices are being driven up by property speculators, overseas investors and the white shoe brigade moving in to try to make a profit on capital gains from those homes. That simply means that young families that have used the move to the western suburbs of Sydney to start their married life and to start their families are priced out of the market—priced completely out of the market. If you want a
newer, modern home close the Parramatta CBD, you are looking at $1.2 million or $1.3 million in that area. This is just speculation-driven costs.

The difference between Labor and the coalition on this issue is that we do not want to reward the speculators. We want a proposition where young families can actually go to a suburb and go either to a real estate agent to buy direct or to an auction and not be in a position of being totally disadvantaged—where the auction outcome is skewed because of the capital gains tax advantage that speculators have, because of the overseas investors or because of the advantage of negative gearing that people have. We take the view that we want to focus on building new homes in the Sydney basin and around the country. We want to ensure that a young family can actually make a decision and have a vision that they will be able to afford a home in the Sydney basin—from my point of view, coming from Sydney. And this applies, I think, in most other areas around the country and in the big Australian cities. So this is an issue for us. Young Australians need to have hope for the future. People's grandkids and kids need to be able to access housing at a reasonable cost.

We are not arguing that those who are already investing through a negative gearing process would be disadvantaged. We have said we would red circle those investors so that they know where they stand—they would get certainty. There would be no retrospective taxation of those investors. But we want to ensure that those people who are actually battling to get a deposit for a house are not set against investors who are wealthy, the overseas-financed or those in there just to make capital gains over a period of time. The existing scheme gives an unfair advantage to the wealthiest people in the country—an unfair advantage over current homebuyers. So, investors, if you are rich, if you are powerful, if you get plenty of money, you have a significant advantage through negative gearing and capital gains tax gains.

The top 10 per cent of high-income earners receive nearly 70 per cent of all the capital gains tax subsidies. We hear the nonsense from those opposite that these are people who are on $70,000 and $80,000 taxable income. The reason that many of these people are on taxable income is that they are on their seventh, eighth, ninth or 10th—and for some people, scores—investment property, where they are writing their tax down. So when you hear the argument from the government that these are people on $80,000 and that they are just the battlers who are out there trying to get some advantage through the scheme, understand that the figures those opposite quote are the figures that are designed to protect their mates, who put money into their election funds—the big end of town, the white shoe brigade and the foreign investors—at the expense of ordinary Australians who are trying to pick up a house, even in some of the more affordable areas in Sydney.

So we want to make sure that we have a strong and sustainable budget. We do not want to end up like Norfolk Island, where the budget could not provide hospitals, could not provide roads, could not provide schooling and could not provide any social welfare approaches. We do not want to end up like Norfolk Island. But if we take the approach that the coalition takes, that we have to have a small government, then we need to understand what small government means. Small government means that those who can afford to will look after their own private health and their own private education—those who can afford to get around the country with no problem—because they are highly-paid executives. They will be okay.

But when government expends money, predominantly it is spent on those who cannot help themselves. It is about making sure that we have a decent health system, it is about making
sure we have a decent education system and is it is about making sure that there is some brake on the inequality that is taking place, not only in this country but all over the world.

What we have done on capital gains tax and on negative gearing will improve the budget bottom line by $32.1 billion over the decade. That means more hospitals, it means more schools and it means more roads. It means the things that ordinary Australians need to carry out their day-to-day lives. If you are rich, it does not matter if the public schools are decaying. So they can argue against Gonski. They can argue against all these issues.

Senator McKenzie: That is actually not the case!

Senator CAMERON: It really is good to hear the National Party actually engage. We have the National Party who, when they go back to the regions, talk out of this side of their mouths but when they are here they talk out of the other side of their mouths. The message they give here is a completely different message to the one they take back to the regions. They simply cave in on all the propositions that the coalition puts up.

Senator McKenzie: That is not the case! You wish it were the case!

Senator CAMERON: And for Senator McKenzie to be here interjecting—I am happy to take the interjections from Senator McKenzie—

Senator McGrath: Go back to the tarted up fibro homes!

Senator McKenzie: What does 'tarted up' mean?

The ACTING DEPUTY PRESIDENT (Senator Back): Order! The speaker needs to be heard without interruption!

Senator CAMERON: I can understand why the Liberals and the Nationals are so concerned about the truth coming out here. They talk through one side of their mouths when they are here and they out of the other side of their mouths when they get to the regions. That is if they ever go—

Senator McKenzie: I'll put my diary against yours any day. You wouldn't know that the regions exist!

Senator CAMERON: That is, Senator McKenzie, if they do not go back to their inner-city apartments and never go to the regions! They go to their inner-city apartments in Melbourne and pretend that they are out there, shooting grouse at the weekend with a gun cocked over their shoulders! They are never in the regions! What a joke that is!

Anyway, I take the view, and Labor takes the view, that it is absolutely important that young families get a fair go in this country. That means that we have to stand up for the regions and we have to stand up for rural Australia, something that the Liberal-National Party, or the National Party—whatever they call themselves—are incapable of doing. All they want to do is protect those who give electoral funds to the Liberal and National parties.

This is the problem we have with them: they do not understand. How could the Prime Minister, Malcolm Turnbull, ever understand what it is like for a worker to battle? How could he ever understand, in his $50 million mansion overlooking Sydney Harbour? What a joke it is—$50 million! He does not know what it is like to try to buy a house in Parramatta, and he would not care. All he is interested in is his future and no-one else's.
Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:43): I would particularly like to thank the senator for his comments, some of which were relevant to this bill. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The Acting Deputy President (Senator Back) (13:43): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in the Committee of the Whole.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:43): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Aged Care Legislation Amendment (Increasing Consumer Choice) Bill 2016

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.


Labor is supporting this legislation as it is essentially the next logical step in the reforms of aged care which, when we were in government, we did all the heavy lifting for when it came to having a forward plan and laying out the foundations for the future direction of aged care in this country. This is consistent with what we envisioned would happen and it was supported by the sector. We consulted widely with them when we were in government and were developing the Living Longer Living Better reforms.

Like those in the aged-care sector, I am pleased to see the government are continuing to roll out our Living Longer Living Better reforms. The bill before us is making further changes to the way we allocate home care packages, and we all know how important it is to ensure that we give older Australians as much support as they need to be able to deliver on them being able to live in their own homes for as long as possible. For them to be able to do that they need to have support, and this is a further step in assisting them. This measure is in the spirit of Labor's Living Longer Living Better reforms. I trust the minister will have accountability and transparency, as well as an independent process for evaluating this rollout. The measure will give the consumers of aged-care services—older Australians, their carers and their families—greater choice and control of the services and support they need to remain as independent as possible within their own homes and, just as importantly, within their own communities. That is what the desired outcome is all about.

Labor supports these measures, but the real test is the government's ability to implement and regulate the changes. We know that over the last 2½ years, since they came to government, those opposite have failed older Australians miserably. They have never had
their eye on the ball. When Mr Abbott was elected, he never appointed a minister for ageing. That was completely overlooked. Then we had a change of Prime Minister and, when he announced his ministry, once again ageing and aged care in this country was overlooked. It was an afterthought. Now we have a Minister for Aged Care and aged care has been put back where it should always have been, with the Department of Health.

The unfortunate thing is that, with the good things that we are supporting in this piece of legislation, the government does not demonstrate the sort of respect and support that older Australians deserve. We need to address the ageing of our population. This is not something that is going to go away. This is not a fad. This is not a political opportunity for me to stand up and talk about it. This reality is not only facing Australia; it is international: how do we support our ageing population?

Senator Bilyk, who is behind me, and I represent the state of Tasmania. We have the fastest ageing population in the country, followed by South Australia. In the next five years—in fact, even less than that—we need to see an increase of 5,000 additional people being trained and skilled up to work in the aged-care sector. These are big challenges for us—huge challenges. I hope—I am even praying—that the government will finally see the light and realise that our older Australians deserve to have a minister for ageing. The issues confronting older Australians go right across all departments, whether you are talking about insurance, employment or the support that we want to give people so that they can stay in their own homes, but we also need to look at investment in infrastructure when it comes to residential care. The difference that we are now seeing is that people are fortunate enough to be able stay at home for much longer. They can remain independent for much longer. When people end up going into residential care, their health issues are far more complex and expensive. Therefore, there is a lot more that this government should be doing to support older Australians. Just as importantly, we need to ensure that the sector has support and leadership from the government. We know—because I have spoken about it numerous times in this place—that the government has failed to show any leadership in this area.

The first part of a two-stage plan will change the way home care services are delivered for older Australians. The first stage is addressed in the legislation before us today. It will allocate packages directly to consumers from 27 February 2017. Home care packages would follow the consumer. Consumers—that is, the older person and their family—will be able to choose who their provider is and change their provider if they are not happy with the services that are being provided. The other extremely important aspect of this legislation will ensure that consumers can take the package with them. For instance, if someone in Hobart is receiving a package, has a provider and their partner passes away and they choose to live with their son or daughter interstate, they will be able to take the package with them. That is an excellent step forward. As I said, the change in the legislation has been borne out of the Living Longer Living Better package.

The second stage would integrate the Home Care Packages Program and the Commonwealth Home Support Program into a single Home Care Program from July 2018. This will require additional legislation from whoever forms government after the next election. The legislation will make amendments to the Aged Care Act 1997 and the Aged Care (Transitional Provisions) Act 1997 in three main areas. Firstly, funding for home care packages would follow the consumer rather than the provider. This measure, which, as I
outlined before, is transportable to wherever you are living, would remove the Aged Care Approvals Round, ACAR, process for home care packages. The 2015 ACAR saw the final allocations of home care packages to providers. This would remove considerable red tape for aged-care providers, who would no longer be required to make these applications. Providers would be approved as long as they met the accreditation and quality standards.

Secondly, this legislation will create a nationally consistent approach to prioritising access to home care packages through myagedcare. This measure would remove the regional ratios as well, with a prioritisation process to take into account an individual's needs, circumstances and waiting time, regardless of their location. This measure would allow more accurate data on the demand for home care packages which would actually produce some very good data for us to continue to plan. Specifically, it will allow myagedcare to capture how many people are waiting for a package, how long they have been waiting, what part of Australia they reside in and much more meaningful data. The third change is the reduction of red tape for providers to become approved under the Aged Care Act 1997.

The quality standards will remain the same and it is important to reiterate that. The quality standards will remain, but the criteria for assessing suitability will be streamlined. This is a very lengthy process that has been based on key personnel rather than capacity. Providers need to have an allocation of places in order to retain their status as approved providers. The legislation will allow providers to retain their status as long as they meet the quality processes and maintain accreditation.

Labor have always—as we know on this side—led the way on aged-care reform in this country. Some 11½ years ago we had the previous Liberal government of the Howard years, who already knew the issues around aged care and the sort of reform that was needed, but the best that they could come up with was that in 2½ years they had five ministers for aged care, and they still could not consult with the sector and come up with any real reform agendas. It is a bit like what they are suffering from now when they cannot come up with any taxation reforms. They have no idea of how to plan for the economy and how we are going to grow opportunities in this country. We recognise, on this side, the challenges and opportunities that there are in the ageing area. As I have said, there is enormous potential for employment in this area, for people to retrain and re-skill themselves. It is not just us on this side of the chamber telling the government how desperate the situation is and to recruit more people into the workforce, it is the sector telling them. The people out there providing services, providing infrastructure, have been saying to the government—although it has been falling on deaf ears—that they need to have some leadership in how they are going to develop and sustain an extremely high level of skills when it comes to the aged-care workforce. Once again, this is a workforce that is predominantly women. Some of the lowest paid workers in this country always seems be women. It is always women, whether you go to the retail sector, whether you go to the disability sector.

This government has the opportunity to do something that can have a real impact. But it has taken this government 547 days to deliver a stock take of government funded, aged-care workforce initiatives which were intended to inform the development of an aged-care workforce strategy. We have still seen no sign of that at all. So those on the opposite side of the chamber, and the responsible minister, have failed yet again to listen to the sector. Shame on those opposite, shame on this government.
Senator SIEWERT (Western Australia—Australian Greens Whip) (13:56): I will keep my contribution on this short because I realise that we can run out of time very quickly. The Greens support this bill. We recognise this is another step in the process of reforming aged care and the Living Longer Living Better program. I note that we are supporting this bill as non-controversial because it has the support of the key stakeholders, consumers and providers, therefore we think it is worthy of support. The implementation of this is in the guts of what comes next, and we will be watching that very closely.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:57): I thank senators for their comments and commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The President (13:58): As there have been no amendments to the bill circulated, unless any senator wishes to have a committee stage, I intend to call the minister for the third reading.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister and Assistant Minister for Immigration) (13:58): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

DOCUMENTS

Election of Senators

Order for the Production of Documents

Senator Cormann (Western Australia—Minister for Finance, Deputy Leader of the Government in the Senate and Special Minister of State) (13:58): I table documents relating to the order for the production of documents concerning electoral law changes and Senate voting and seek leave to make a brief statement of less than two minutes.

The President: Leave is granted for two minutes.

Senator Cormann: Shortly after 4.25 pm yesterday the Senate agreed to an opposition motion that ordered the production of documents relating to electoral law changes, but that motion ordered that documents be tabled no later than 9.30 am this morning. Labor senators have questioned, today, why the documents sought were not tabled by the designated time. Senator Ryan explained that officials have been working without delay to search for any documents potentially covered by the order and he informed the Senate that the response would be tabled as soon as possible today, which I have now done.

This afternoon, at 12.17, the Senate also agreed to a motion that ordered the production of documents recording the agreement between the government and the Australian Greens relating to changes to Senate voting. This order required the documents be tabled no later than 2.00 pm today. There are no such documents recording such an agreement. I have now tabled
my response to both orders, which includes those documents relevant to the first of those orders.

Opposition senators interjecting—

**Senator Wong** (South Australia—Leader of the Opposition in the Senate) (12:37): by leave—I thank Senator Cormann for tabling, in part, some of what he ought to have tabled earlier. In the ordinary course of events, we would seek leave to take note of the documents. Given that it is question time, I have discussed with Senator Cormann that we will seek leave on the next day of sitting. He asked me to give an indication that any such taking note would not take longer than half an hour, and I give that undertaking. If we could have some cooperation on the next occasion, we would appreciate it.

**MINISTERIAL ARRANGEMENTS**

**Senator Brandis** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): I advise the Senate that Senator Birmingham, the Minister for Education and Training, will be absent from question time today on ministerial business. In Senator Birmingham’s absence, Senator Colbeck will represent the Minister for the Environment and Senator Ryan will represent the Minister for Education and Training.

**QUESTIONS WITHOUT NOTICE**

**Defence Procurement**

**Senator Conroy** (Victoria—Deputy Leader of the Opposition in the Senate) (14:00): My question is to Minister Payne. In an official press release on 20 February 2015 former defence minister Kevin Andrews said the future submarines would be delivered in the 2020s. Noting that departmental advice has not changed in the last three years, will the minister now confirm that the government’s policy has changed and delivery is required in the early 2030s?

**Senator Payne** (New South Wales—Minister for Defence) (14:01): I can confirm that the government’s policy is as represented by the recently released *2016 Defence white paper*.

**Senator Conroy** (Victoria—Deputy Leader of the Opposition in the Senate) (14:01): I will take that as a yes. Mr President, I ask a supplementary question. Minister, do you agree with former Prime Minister Tony Abbott that the Collins class is ‘a fragile capability at the best of times’?

**Senator Payne** (New South Wales—Minister for Defence) (14:01): In fact, what I think should be placed on the record is the capability that the Collins class submarine is currently demonstrating and the work that it has done. We have, if not five, definitely four boats currently in the water of the six boats in the fleet. In fact, there are two off South Australia. We value very much the role that the Collins class submarine plays. However, recognising that it will, as all good things, come to an end, we have commissioned through the competitive evaluation process—

**Senator Moore:** Mr President, I rise on a point of order on direct relevance. The quote from Mr Abbott was ‘a fragile capability at the best of times’. We are asking whether the minister agrees with that. I do not believe that that particular question has been answered.
The PRESIDENT: In the context of how the minister was answering the question, I think she was being directly relevant. She has been talking about the Collins class submarines. I think we have to give her the opportunity to complete answer.

Senator PAYNE: I did indicate the capability of the Collins class submarines currently operating on behalf of the nation, with the strong support of the Chief of Navy, who I think has recently commented favourably on their activity as well. But we recognised, unlike those opposite, that decisions had to be made in relation to the acquisition of future submarines, so we commissioned a competitive evaluation process. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I ask a final supplementary question. Minister, in the Senate on 23 November 2015 you stated:

… the longer the Collins submarines are kept in service, the more their relative capability will decline as newer submarines enter service within our region.

Minister, why were you happy to stick the boot into Collins late last year just like Mr Abbott did in the last few days?

Senator PAYNE (New South Wales—Minister for Defence) (14:03): Unfortunately Senator Conroy's efforts to mischaracterise the statement I made in the Senate in 2015 are completely without foundation. It is a statement of fact that the longer you extend the life of a capability the more it involves greater sustainment costs. They become more expensive to maintain. It does mean that their relative capability declines as newer submarines enter service within our region. That is a statement of fact.

Senator Brandis: That's obvious.

Senator PAYNE: That is a statement of the obvious—indeed, Senator Brandis. The work that we are doing to commence the competitive evaluation process is something that was not done on the other side. That is what would have left Australia with a capability gap.

DISTINGUISHED VISITORS

The PRESIDENT (14:04): I draw to the attention of senators the presence in the gallery of the parliamentary delegation from the Federal Republic of Germany. On behalf of all senators, I wish you a warm welcome in particular to the Australian Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Defence White Paper

Senator WILLIAMS (New South Wales) (14:04): My question is to the Minister for Defence, Senator Payne. Will the minister advise the Senate on what the 2016 Defence white paper delivers for Defence bases and infrastructure across the country?

Senator PAYNE (New South Wales—Minister for Defence) (14:05): I thank Senator Williams for that very important question. Reliable access to essential and contemporary facilities—whether they are military bases, wharves, port facilities, airbases, training ranges or fuel and explosive ordnance infrastructure—is absolutely vital to the ADF's ability to conduct and sustain operations in Australia and across the region. That is why the 2016 Defence white paper has examined the issue of key enablers so closely and why we will
invest over the next decade about $26 billion in upgrading and expanding those Defence facilities right across the country.

We are also going to spend over the decade on the maintenance of our existing 600 Defence sites $19 billion, which will include refurbishment and garrison support. That is very, very important to the men and women of the ADF. In fact, every state and territory in Australia will benefit from this massive investment. Much of it, by virtue of the locations of many of these sites, will be in regional and remote Australia.

For far too long, the white paper confirms—and those who work within them would also say this—that critical Defence estate and infrastructure has been neglected. It has suffered from very significant underinvestment. In fact Labor cut almost $2.7 billion from Defence estate funding over the forward estimates period while they were in government. We recognise that to support our 21st century Defence Force they need 21st century facilities. With the white paper, the Turnbull government will absolutely revitalise the infrastructure that underpins our Australian Defence Force.

Senator WILLIAMS (New South Wales) (14:07): Mr President, I ask a supplementary question. Will the minister advise the Senate what economic benefits there will be for local communities?

Senator PAYNE (New South Wales—Minister for Defence) (14:07): I thank Senator Williams for that supplementary question, because those Defence facilities span our nation, whether it is in an urban environment, like the location of Fleet Base East in Sydney, or in some of our most regional and remote locations, like RAAF bases Learmonth or Curtin in Western Australia. When we are investing in these upgrades—the enhancements and refurbishments—we are actually also investing in those local communities. The purpose of the white paper in pursuing this investment is going to enable us to create local benefits and local jobs wherever there are Defence bases and wherever there are businesses that support Defence. The significant funding for Defence estate and infrastructure that I have already outlined will be spent locally and it will benefit local communities and regions.

Senator WILLIAMS (New South Wales) (14:08): I thank the minister for that good news. Mr President, I ask a further supplementary question. Will the minister advise the Senate what this means for my home state of New South Wales?

Senator PAYNE (New South Wales—Minister for Defence) (14:08): That would be 'our' home state, I think, Senator Williams. Over the next decade in New South Wales alone, the investment in estate and infrastructure and the upgrading of Defence facilities will come to almost $6 billion. Much of that will actually be spent in regional New South Wales. For example, we will invest around $800 million, long overdue, in the Riverina region upgrading both Kapooka and RAAF Base Wagga over the next decade. We will invest around $50 million to refurbish very important key training facilities at Singleton, with a broader redevelopment of around $200 million over the decade from 2025 to support both our land and special forces capabilities. On the South Coast we will be supporting the 24 Seahawk helicopters, which are currently be accepted into service at HMAS Albatross. To do that, the base will require an upgrade of around $100 million. (Time expired)
Workplace Relations

Senator MOORE (Queensland) (14:09): My question is to the Minister for Women, Senator Cash. Can the minister confirm that the Turnbull government is seeking to remove enforceable provisions in the current round of departmental enterprise bargaining providing for domestic violence leave and family violence leave? Why does the Minister for Women want to make working women in the public sector worse off?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:09): I thank Senator Moore for the question. I can assure you, Senator Moore, that that is absolutely not the position of the Turnbull government, despite what the head of the CPSU, Nadine Flood, is stating to members of the APS.

Opposition senators interjecting—

The PRESIDENT: Order on my left.

Senator CASH: As you would be aware, when I came into office I actually improved the bargaining position from 1.5 per cent in terms of pay increases to two per cent each year over the three years—

The PRESIDENT: Do you have a point of order, Senator Moore?

Senator Moore: It is on direct relevance. I am wanting to refocus the minister. The question was not about wages; it was about the enforceable rights to domestic violence leave.

The PRESIDENT: I do not believe there is a point of order, Senator Moore. The minister answered your question directly and she rejected outright the notion in the question.

Senator CASH: In direct answer to Senator Moore’s question: no, that is not the position of the Turnbull government.

Senator MOORE (Queensland) (14:10): Mr President, I ask a supplementary question. When companies like Telstra, NAB and Virgin Australia have domestic violence leave in their enterprise agreements, can you tell me how the Turnbull government is actually maintaining such agreements in the current round of public sector bargaining?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:11): As Senator Moore would be aware, the government merely sets the bargaining framework. The government has set the bargaining framework.

Opposition senators interjecting—

The PRESIDENT: Order on my left.

Senator CASH: It is then for individual agencies to negotiate with the workers. But I will make one point in relation to what Ms Flood has been saying to the workforce which has proven to be completely, totally and utterly—

Honourable senators interjecting—

The PRESIDENT: Order on both sides. Senator Wong, do you have a point of order?

Senator Wong: My point of order is direct relevance. There is nothing in the question about the union and there is nothing in the question about Ms Flood. The question is making the point that some very large private sector companies have domestic violence leave in their
enterprise agreement and asking why the government is enabling a situation where that is being taken out of enterprise bargaining agreements.

The PRESIDENT: I believe the minister has answered that part of the question.

Senator CASH: For the benefit of those on the other side, the government sets the parameters of the bargaining framework. Bargaining itself is then for individual agencies. The mere fact that Ms Flood, as head of the CPSU, is running around and having a scare campaign with employees is, quite frankly, disappointing. The example I give, Senator Moore, is in relation to breastfeeding. In fact, it was Safe Work Australia who were accused of basically no longer allowing—(Time expired)

Senator MOORE (Queensland) (14:12): Mr President, I ask a further supplementary question. Given the minister's support for ensuring that there are good conditions, will the minister support Labor's plan to add five days of paid domestic and family violence leave to the National Employment Standards?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:13): As Senator Moore would be aware, I received the Productivity Commission's review of the workplace relations framework late last year. I am currently undertaking stakeholder consultations. The government will announce its position in due course in the lead-up to the election.

Syria

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (14:13): My question is to the Attorney-General in his capacity representing the Minister for Foreign Affairs. I refer to the negotiated cessation of hostilities in the Syrian civil war that has opened space for a resumption of substantive peace talks, now scheduled to recommence on 9 March. My question is: what is the Australian government doing to support the cessation of hostilities in this conflict? Can the Attorney provide any details of diplomatic support, personnel, resources or anything that the minister cares to name that indicate that Australia is playing a role in de-escalating this conflict?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:14): Thank you, Senator Ludlam, and thank you for the courtesy of giving some advance notice to my office of this question.

Opposition senators interjecting—

Senator BRANDIS: It is a serious matter. I wonder if I might be heard in silence?

Opposition senators interjecting—

The PRESIDENT: Order on my left! Would senators on my left come to order?

Honourable senators interjecting—

The PRESIDENT: Thank you on my left and on my right.

Senator BRANDIS: I am surprised that the notion of senatorial courtesy evinces mockery from the opposition. I have obtained some information from the foreign minister's office so that I can respond to your question. As you know, it is vital that political negotiations between the Syrian regime and Syrian opposition resume on 9 March, as announced by envoy Staffan de Mistura yesterday. The two-day delay from the earlier proposed date—that is, 7 March—allows the cessation of hostilities take hold.

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Australia's position has been to call on all sides to engage constructively in the negotiations process. Countries with influence in the Syrian conflict should bring pressure to bear on the parties they support to negotiate in good faith. It is important that a transnational governing body with full executive powers, as agreed by the international community in Geneva Communiqué and United Nations Security Council Resolution 2254, be established. That is the Australian government's position. That is the position we have advocated, and that is the position we have advocated to the parties.

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (14:17): Mr President, I ask a supplementary question. I just draw the Attorney's attention to my question around resourcing personnel, if he cares to address that. Can the minister outline Australia's long-term strategy, if it has one, in ensuring a peaceful settlement to the Syrian conflict and the demilitarisation of the region more broadly?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:17): Yes, I can. Ultimately, the only solution to the Syria crisis is, of course, to end the conflict. The cessation of hostilities agreed between the United States and Russia appears to be largely holding for now. Of course, Australia supports that ceasefire, although there have been a number of reports of violations. We call on all parties to comply with the terms of the cessation of hostilities on the ground, and we call on all countries with influence in Syria to maintain pressure on combatants to ensure compliance.

It is the Australian government's position that all parties need to focus their efforts on defeating Daesh and other terrorist groups in both Syria and Iraq. The Australian government welcomes the implementation of the International Syria Support Group's decisions to facilitate the immediate delivery of humanitarian aid to besieged areas. We understand that food, medical supplies, water and sanitation kits have reached several besieged towns in Syria. I can elaborate further on that in response to your next question. (Time expired)

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (14:18): Mr President, I ask a further supplementary question. Attorney, I again draw your attention to this: the questions go directly to Australian resourcing commitments rather than simply position. Given that other parties to the conflict are finally working towards demilitarising the region, will the Australian government withdraw the Royal Australian Air Force from this conflict and instead prioritise support for the peace process and expedite the processing of refugees fleeing the war, as the government of Canada has done?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:19): There are a number of issues there. Let me deal with the last one first. As you know, Australia—I believe with support from your party, along with other parties in this chamber—agreed last September to accept 12,000 humanitarian refugees fleeing from the Syrian conflict. We are processing those refugees in a careful and methodical way; we have begun that. The first of those refugees have arrived, as you know. We are identifying suitable candidates and subjecting them to appropriate tests, including security tests.

Senator Ludlam: Mr President, I rise on a point of order. I recognise that it was a multipart question. I draw the Attorney's attention to the substance of the question: what is
Australia specifically doing to resource the peace process, and can the minister confirm that only 26 refugees have in fact been settled since September?

The PRESIDENT: You have then added more to your question, which we cannot allow. Attorney-General, have you finished your answer?

Senator BRANDIS: No, I have not. I want to deal with one other aspect of the question, if I may. Senator Ludlam, you assert that the Royal Australian Air Force is engaged in the Syrian civil war. The Royal Australian Air Force is engaged as part of the international coalition to defeat and degrade ISIL. It is not engaged in the Syrian civil war.

Defence White Paper

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:20): My question without notice is to the minister representing the Prime Minister, Senator Brandis. I refer to the leaking of a classified National Security Committee document to *The Australian* newspaper, accompanied by quotes from Mr Abbott, and to Senator Abetz's statement that:

I think it is a big jump to suggest it was a parliamentarian.

Does the minister agree?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:21): I have not seen Mr Abbott's statement—

Senator Wong: Senator Abetz's.

Senator BRANDIS: I am sorry, Senator Abetz's statement. I can confirm that the Australian Federal Police have received a referral from the Department of Defence regarding the possible unauthorised release of the information to which he refers. The AFP issued a media statement saying that it will evaluate the matter in accordance with its normal protocols. While the matter is being evaluated, it is not appropriate—for reasons that the senator will understand—for me to comment further.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:21): Mr President, I ask a supplementary question. I refer to Senator Abetz's statement:

... leaks should be condemned whether by parliamentarians or indeed by officials.

Will the Attorney-General join the opposition in rejecting any imputation that NSC officials were responsible for the leak of a classified NSC document to *The Australian*?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:22): Although I have not seen Senator Abetz's statement, it is plainly the case that leaks should be condemned. The matter has been referred to the Australia Federal Police. They are evaluating the matter to see if an investigation is warranted, and for that reason it would not be appropriate for me to comment on that evaluation or on future possible investigation.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:22): Mr President, I ask a further supplementary question. I, again, refer to the leak of a classified NSC document: are there any members of parliament assisting the AFP with their inquiries?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:23): While I do not want to go beyond my earlier answer, I should tell you that there is no investigation. There is an
evaluation by the Australian Federal Police in accordance with their ordinary processes of a referral from the Department of Defence. Until that evaluation is completed, there will be no inquiries by the Australia Federal Police. That is the usual procedure.

**Extradition Law: China**

**Senator MADIGAN** (Victoria) (14:23): My question is to the Attorney-General, Senator Brandis. The treaty on extradition between Australia and the People's Republic of China has recently been tabled in the Senate. Given that China is a country that does not respect the rule of law and given that the treaty allows for the transfer of Australian citizens to China on a simple request with no investigation by Australia as to the merit of the alleged charges, what safeguards are in place for those who are subject to such a simple, unchallenged request?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:24): Thank you very much, Senator Madigan, and might I thank you for the courtesy of the advance notice of this question that you gave my office. Australia signed an extradition treaty with China in 2007. Extradition treaties are common features of Australia's cooperation with international partners to combat transnational crime. Australia and China have a longstanding law enforcement relationship. The Australian government is progressing the implementation of the treaty. The treaty and the accompanying national interest analysis were tabled in parliament yesterday. The treaty will then be referred to the Joint Standing Committee on Treaties for consideration. That process, of course, will include public consultation. Following the consideration of the treaty by the committee, the committee will recommend whether the treaty should be ratified. How the government proceeds following any such recommendation by the committee is a matter for the government upon receiving the report from the committee.

Senator Madigan, I can tell you that the treaty does contain a range of human rights safeguards which specify that extradition must be refused in certain circumstances. In particular, the treaty provides that extradition must be refused where the person sought may be sentenced to death for the offence for which the extradition is requested. That is the standard practice of the Australian government in relation to extradition treaties. It is the practice of Australian governments of both political persuasions, I might say. We always put into extradition treaties a capital punishment or death penalty exclusion.

**Senator MADIGAN** (Victoria) (14:25): Mr President, I ask a supplementary question. China continues to impose the death penalty. They refuse to disclose how many people are put to death, trials are often held in secret and the conviction rate hovers around 100 per cent. Given this totalitarian system and the fact that China only needs to provide an undertaking, how do you, as the Attorney-General, satisfy yourself that the human rights of Australian citizens will be upheld once they are in the hands of the Chinese government?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:26): This is an issue that does arise from time to time with countries with which Australia has an extradition agreement but that also have a death penalty provision. It is a matter I have dealt with in relation to countries other than China. The answer to your question is that the Attorney-General acts on advice. That advice comes, in particular, not only from my department but also from the Department of Foreign Affairs and Trade. We apply the death penalty exclusion very, very scrupulously. If there is any risk at all, any possibility at all, that the observance of an extradition request
could potentially result in the execution of the person, the subject of the request will be refused.

Senator MADIGAN (Victoria) (14:27): Mr President, I ask a further supplementary question. It still remains that China is a totalitarian one-party state that generally keeps its statistics secret in relation to what occurs behind courtroom doors and how many people are put to death. Given that Australia upholds the rule of law and due process, do you consider this treaty to be fundamentally inconsistent with Australia's core democratic values?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:27): No, I do not. The reason I do not is that although Australia may have concerns about an aspect of the criminal law and the criminal justice system of another jurisdiction, and we do in relation to China and all death penalty countries, that does not mean that there is no useful role for international crime cooperation. In fact, if Australia refused to engage in international cooperation in the enforcement of the criminal law with any country because we had a misgiving about an aspect of their criminal justice system, our capacity to deal with transnational and cross-border crime would be very significantly curtailed. The way in which we deal with the issue, which you have very properly raised, is that we have exclusions, in particular, in the subject about which you are inquiring, a death penalty exclusion, which we enforce rigorously.

International Women's Day

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:28): My question is to the Minister for Employment and the Minister for Women, Senator Cash. Next Thursday is International Women's Day. Can the minister advise the Senate on action being taken by the government to promote gender equality across Australia's public and private sectors?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:29): I thank Senator O'Sullivan for his question.

Opposition senators interjecting—

Senator CASH: Despite the interjections from those on the other side, I can assure you, given Senator O'Sullivan's background, that he is fundamentally committed to gender equality, in particular to reducing violence against women and girls.

The government is committed to promoting gender equality across the Public Service and private sectors. One of the initiatives that we have recently instituted is that we have relocated the BoardLinks program into the Department of the Prime Minister and Cabinet to ensure that a whole-of-government approach is applied to promoting more women onto government boards and into leadership roles.

I am pleased to say that there are already a number of examples across the Australian Public Service where departments are taking the lead to increase gender diversity within their workplaces—for example, Treasury's Progressing Women Initiative. Treasury made it a strategic business priority to achieve gender equality, particularly in senior leadership.

The Department of Foreign Affairs and Trade recently launched with Minister Bishop the gender equality and empowerment strategy. What this strategy is aimed at is driving progress in three areas, and those three areas are fundamental to gender equality. They include ending
violence against women and girls, something I would hope that all of us in this chamber are committed to; women's economic empowerment; and women's participation in leadership and, of course, peace building.

And, of course, there is Defence's Diversity and Inclusion Strategy. I note that the Minister for Defence herself is fundamentally committed to gender equality. Her department has a gender diversity strategy to ensure that Defence becomes an employer of choice for men and women alike.

Senator Bernardi interjecting—
Senator Whish-Wilson interjecting—

The PRESIDENT: Order! Senator Bernardi and Senator Whish-Wilson, stop talking across the chamber.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:31): Mr President, I ask a supplementary question. Can the minister update the Senate on the actions agreed to by COAG in December 2015—

Senator Cameron interjecting—
Senator O'SULLIVAN: I'll tell you what, Doug: this is a serious question—

The PRESIDENT: To the chair.
Senator O'SULLIVAN: to address the violence—
Honourable senators interjecting—
The PRESIDENT: Senator Lines, Senator Cameron and Senator McGrath!
Senator O'SULLIVAN: Only for you, Sarah, only for you!
The PRESIDENT: Senator O'Sullivan, direct your question through the chair.

Senator O'SULLIVAN: Can the minister update the Senate on the actions agreed to by COAG in December to address violence against women and girls in Australia?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:32): I am delighted, and I would hope that all of us in this chamber recognise, that in December 2015 COAG really for the first time ever made landmark decisions in relation to a collective approach to reducing violence against women and girls. They have agreed on a standard of perpetrator interventions to ensure that interventions with perpetrators are based on evidence, effective and implemented consistently around Australia.

COAG has also agreed to introduce a national domestic violence order scheme. Anybody who has worked with victims of domestic violence or worked in the sector would know that this is something that the sector have been crying for for years and years and years. COAG has finally agreed to implement such a system, and I am pleased to say that every jurisdiction will introduce laws within its parliament in the first half of 2016 to make this happen. Again, these are landmark decisions, and I would hope that all in this chamber appreciate that. (Time expired)

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:33): Mr President, I ask a further supplementary question. Minister, what other steps is the government taking?
Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:33): The Senate will be aware that in September 2015 the Prime Minister announced a $100 million Women's Safety Package. The package was developed in conjunction with the expert advisory panel to COAG, which included, of course, the inspirational Australian of the Year Rosie Batty. The package very much focuses on practical, immediate action items to keep women and children safe in their homes; improved training for front-line workers; trialling innovative and integrated service delivery in critical areas; and providing the best educational resources to parents, teachers and children to change the attitudes of people in terms of disrespecting women. As the Prime Minister has said, not all disrespect against women ends in violence against women, but all violence against women began with disrespect. As a parliament, this is something that we actively have to tackle.

**Workplace Gender Equality**

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:34): My question is to the Minister for Women, Senator Cash, about the gender pay gap. A report released today by the Workplace Gender Equality Agency shows that women in senior management positions earn on average $100,000 less than their male colleagues. This is along with Bureau of Statistics figures that show an average gender pay gap of 24.7 per cent on total remuneration for full-time workers in Australia. All this government has done about the gender pay gap so far is water down the requirements for big business to report, abolish the low-income super contribution and attack paid parental leave. Now that we have a whole six women in a cabinet of 22, when are we going to see a plan to fix the gender pay gap?

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:35): I thank Senator Waters for her question. Senator Waters, I can assure you that, when I saw the data that was released today, I also was very disappointed by the data, but I am not going to agree with you in relation to this government not taking steps to actively reduce the gender pay gap. In terms of our commitment to gender equality and getting more women into the workforce—because we know that, if we can get more women into the workforce and, in particular, into those jobs where they can earn a comparable salary to a man—we will take steps towards reducing the gender pay gap.

One of the things that this government is focused on is removing those barriers that force women to make the choices they have to make as opposed to the choices they want to make, because institutional, cultural or structural barriers continue to exist. The government is able to pull some policy levers. Senator Waters, I am sure you are aware that one of those policy levers is in relation to child care. That is why we had the Productivity Commission review of child care—because as a government we understand that, if Australian women and men cannot access affordable, flexible child care, they are not going to be able to participate in the workforce. I am disappointed to say, though, Senator Waters, in relation to the measures we would like to implement, that they are stuck in the Senate, so at this point in time we are unable to offer to Australians the affordable and the flexible and the accessible child care that we want.

Senator Waters, in relation to the gender pay gap, again I am not about to make any excuses for it but, like me, I am sure you were pleased to note that the latest data coming out
of WGEA saw the gender pay gap narrow ever so slightly from 17.9 per cent to 17.3 per cent. I am pleased it is trending in the right direction. *(Time expired)*

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (14:37): Mr President, I ask a supplementary question. If you want support for affordable childcare, do not take money off other poor people. Data from the ABS shows that the gender pay gap is worse in the private sector, where salaries can be negotiated in secret and gag clauses are often imposed on employees to stop them discussing their pay. The Greens have a bill to allow workers to talk about their pay if they choose. Will the government support this legislation to end pay gag clauses and actually take one step towards reducing the gender pay gap?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:38): I have been very open in my remarks in relation to transparency within the workplace, but at the end of the day the workplace does not need any more red tape from government. That is not how you change culture. What you need to do is work with corporate Australia so they have a proper understanding of the steps that they need to take to ensure that they embrace the changes that are required so we do have ultimately gender equity within the workplace.

Senator Waters, a number of employers have put in place very good policies to address the gender pay gap. One great initiative I believe is, for example, 'de-gendering' resumes—you take the gender out of the resume and you only look at the skill set of the person. Look at Telstra, where all roles are flexible, and ANZ, which pays women an additional $500 in superannuation. I am not going to sit here and condemn corporate Australia. Can they do better? Yes, but they are certainly walking in the right direction. *(Time expired)*

**Senator WATERS** (Queensland—Co-Deputy Leader of the Australian Greens) (14:39): Mr President, I ask a further supplementary question. Today's report also shows that where there are more women on corporate boards the pay gap for employees is smaller, yet government boards are failing to meet their target of 40 per cent women. The Greens and quite a few on the crossbench have a bill before the Senate that would make that target binding in law. Given the evidence in today's report, will the government now reconsider its opposition to that bill and legislate those targets for women on government boards?

**Senator CASH** (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (14:39): Senator Waters, you and I are going to agree on something: the evidence does show that boards that have gender diversity and in particular gender balance in relation to men and women do perform better than boards that do not. I would hope that that is a very clear indication to both the public sector and the private sector that we need to do more to get women on boards. The government is committed to the 40:40:20 target in relation to the number of women on government boards. As I said in response to my question to Senator O'Sullivan, just recently the Prime Minister and I relaunched the BoardLinks program. We have actually moved BoardLinks from the Department of Finance into the Department of the Prime Minister and Cabinet so we have a whole-of-government approach to appointing more women to boards.
**Broadband**

**Senator McLUCAS** (Queensland) (14:40): My question is to the Minister for Communications, Senator Fifield. I refer to Mr Turnbull's claim in August last year that the cost of an optic fibre NBN would be $3,700 a home and stay that high for more than a decade. Given leaked documents from nbn co show that nbn co has built fibre for significantly less than $3,700 a home, does the current minister stand by Mr Turnbull's claim?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:41): I thank Senator McLucas for her question. I acknowledge that she, like members of the press gallery who are in receipt of allegedly leaked documents, hyperventilated and got sweaty palms when those documents were in prospect—

*Opposition senators interjecting—*

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

**Senator FIFIELD:** The point that Mr Turnbull was making in his previous incarnation was that fibre to the premises obviously is expensive.

**Senator Conroy:** Did he not tell you? You didn't know, did you?

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

**Senator FIFIELD:** The company published its audited half-year results earlier last month showing full fibre to the premises continuing to cost on average $4,419 per premise. In some cases the cost of connecting a premise actually runs into tens of thousands of dollars where there are lots of civil works to undertake. This is actually the model favoured by the Australian Labor Party, which is also known as 'fibre at any cost'.

**Senator Conroy:** Ho, ho, ho!

**Senator FIFIELD:** Well, it is a statement of fact.

**Senator Conroy:** You will not be able to keep getting them to tell lies for you for much longer.

**The PRESIDENT:** Senator Conroy!

**Senator FIFIELD:** I have got all day, Mr President. What is important to recognise is that the trial that was referred to in the paper today of nbn doing a variation of a fibre-to-the-node product is not new and is not a secret because the company announced that it was doing this in its half-year results last month. That is how much of a secret it is—that nbn announced in its half-year results that it was doing this. nbn has always had the approach under this government of doing that which is most cost-effective. *(Time expired)*

**Senator McLUCAS** (Queensland) (14:43): Mr President, I ask a supplementary question. Can the minister confirm that nbn co reports leaked this week show that fibre-to-the-premises NBN costs are coming down, contradicting the latest nbn corporate plan, which claims that the cost per premise will be $3,700 'over the full period of the bill'?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:44): As I indicated earlier, the costs of fibre to the premises are very high. They are very high and, as I indicated earlier, the audited
half-yearly results released last month show that full fibre to the premise is continuing to cost, on average, over $4,000 per premise.

**Senator Conroy:** They won't keep lying for you for much longer.

**The President:** Senator Conroy! Minister, you have the call.

*Senator Conroy interjecting—*

**The President:** Order on my left! Minister, you have the call. Senator Conroy, stop interjecting.

**Senator FIFIELD:** Thanks, Mr President. It is clear that fibre to the premise is expensive. It is over $4,000 per premise. Nbn have had a trial of a variation of fibre-to-the-node product. It is not fibre to the premise; it is a variation of a fibre-to-the-node product, which is no secret, because nbn announced that they were doing it—no stunning revelation. Nbn seeks to do that which is most cost effective.

**Senator McLUCAS** (Queensland) (14:45): Mr President, I ask a further supplementary question. Can the minister confirm that, in areas where Mr Turnbull's NBN has been switched on, complaints continue to emerge that internet speeds are patchy and in some cases even worse than ADSL? Minister, isn't it true that only Labor's fibre-to-the-premises NBN will deliver faster, higher quality and more reliable broadband to Australians?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (14:45): No.

**Illicit Drugs**

**Senator LINDGREN** (Queensland) (14:46): My question is to the Minister for Regional Development, Minister for Rural Health and Minister for Regional Communications, Senator Nash. Will the minister provide the Senate with details on the government's recent response to the final report of the National Ice Taskforce?

**Senator NASH** (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:46): Many people in this chamber and beyond will be aware of the work that the National Ice Taskforce did last year, culminating in a report to government. The thing that became very clear is that we cannot arrest our way out of this problem—that we absolutely have to focus as well on reducing demand. This government recognises how significant this problem is for this country, and we are seeing continuing reports of the rise in the use of this drug. That is why the government committed almost $300 million to tackle ice, which has been very well received right around the country.

As part of that, there is going to be $241.5 million that is going to go to treatment and rehab services. This is incredibly important because, as we say, we cannot arrest our way out of this, and we have to assist people to get off this drug. It is in recognition of that that a very significant component of this package is going towards those things. There is also $13 million going to a new MBS item for addiction medicine specialists. This means that we are going to be able to increase the availability of treatment in this area. There will be $24.9 million going towards families and communities. As I travelled around the country along with my colleague Michael Keenan, the Minister for Justice, I saw that the impact on families and communities is devastating. That is why this coalition government recognised that the funding component
had to be significant to allow families and communities to be assisted and, indeed, allow local communities themselves to be part of addressing this problem, something that they said to us continually as we and the task force were moving around the country.

Senator LINDGREN (Queensland) (14:48): Mr President, I ask a supplementary question. Can the minister inform the Senate how the government's response feeds into COAG's National Ice Action Strategy?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:48): The measures from the government's package have formed a key component of the National Ice Action Strategy, and I was very pleased to see, as many were at the COAG meeting last year, that the strategy was agreed. I think it is a significant step forward to have not only the Commonwealth but the states and territories involved in this response. The Commonwealth said right from the very beginning that we certainly could not do this alone.

This is also aimed at preventing people from taking up this drug. It is not just about dealing with people who are, unfortunately, caught up in the use of this drug; it is also about prevention and ensuring that they do not take the drug in the first place and that we do everything we can to reduce the harms. So the strategy will be, of course, around families and communities, as I have mentioned, and around prevention messages that are targeted at high-risk populations so that we do everything we can to reduce the take-up of this drug: early intervention, law enforcement and making sure there is better evidence available.

Senator LINDGREN (Queensland) (14:49): Mr President, I ask a further supplementary question. Can the minister advise the Senate why it is important we continue to invest in treatment to support those afflicted by this insidious drug?

Senator NASH (New South Wales—Minister for Rural Health, Minister for Regional Development, Minister for Regional Communications and Deputy Leader of The Nationals) (14:49): Recent research from the National Drug and Alcohol Research Centre shows that in 2013-14 there were 268,000 regular users of this drug. On this side of the chamber, we recognise how important it is that we tackle this drug. This is indeed in contrast to those opposite, who in 2013 did not renew the advertising that was out there in the community telling people about the dangers of this drug, and ice use doubled in 2010 and 2013. Indeed, the shadow assistant health minister says:

The criticism is that they haven’t got the right strategy—they're … putting $20 million into an advertising campaign that is just a re-run of something that was done in 2007 …

The research showed that 51 per cent of at-risk youth would avoid using ice as a result of seeing that advertising. I think that is a strategy that is working.

Defence Procurement

Senator GALLACHER (South Australia) (14:51): My question is to the Minister for Defence, Senator Payne. On Tuesday the minister told the Senate that the government would deliver thousands of jobs in shipbuilding, but yesterday the ASC announced another 110 jobs in South Australia, citing its inability to maintain its workforce in the absence of an Adelaide build of the offshore patrol vessels. Minister, given your government's first shipbuilding decision was to send the contract for supply ships offshore, how many shipbuilding jobs have been lost over the past 2½ years on your government's watch?
Senator PAYNE (New South Wales—Minister for Defence) (14:51): I thank Senator Gallacher for his question. It is concerning, and I am concerned, that the job losses that have been announced this week at ASC are occurring, but it is absolutely the case that those opposite placed not one single order for one single vessel in the entire time of their period in government. As I have made very clear before—and as Mr Lamarre has made clear in Senate estimates—the so-called valley of death was unavoidable because of that. The difference is that this government is commissioning offshore patrol vessels, future frigates and future submarines. That is the difference. As I said in the chamber earlier in the week, it is hypocritical in the extreme for the opposition to say what they are saying about the commissioning of the supply ships. When they released that document in May 2013, they sought examination of options for local, hybrid and overseas builds or for leasing of an existing vessel. That is what they did. At the time, they also knew that they had advice that an Australian build of the replacement supply ships was not viable. Their own 2013 Future submarine industry skills plan states that the common user facility in Adelaide which supports ASC is not capable of accommodating the large supply ships as the current ship lift would require to be significantly lengthened in order to carry vessels the size of the replacement supply ships. (Time expired)

Senator GALLACHER (South Australia) (14:53): Mr President, I ask a supplementary question. When he was Prime Minister, the honourable Tony Abbott repeatedly promised to build the first few offshore patrol vessels in South Australia. Yet Prime Minister Turnbull's defence white paper failed to deliver on Mr Abbott's promise. Minister, how many more jobs will go in South Australia as a result of your government's decision to walk away from Mr Abbott's promise to build the first few offshore patrol vessels in Adelaide?

Senator PAYNE (New South Wales—Minister for Defence) (14:54): As Mr Lamarre said in estimates in February this year:

Well, I would say that many of those job losses are unavoidable, irrespective of the start date for the OPV or decision round of the OPV … there is no avoiding the down ramp that we are on from this 1,400 we are at today.

... ... ... 

Just to be clear, as I mentioned before, we are on a steady decline. So, there is nothing that is going to avoid us getting down to the several hundred …

But the difference is that this government will build offshore patrol vessels and future frigates and will acquire future submarines, in complete and distinct contrast to those opposite, who did absolutely nothing. The result of that will be thousands of jobs for Australian workers, and I stand by that absolutely.

Senator GALLACHER (South Australia) (14:55): Mr President, I ask a further supplementary question. Former Prime Minister Abbott and former defence minister Andrews repeatedly promised 500 new highly skilled jobs as a result of the future submarine build. They instructed that the submarines be delivered by the mid-2020s. Minister, seeing as your defence white paper clearly states the future submarines will not be delivered until the early 2030s, when will the 500 new jobs start?

Senator PAYNE (New South Wales—Minister for Defence) (14:55): I thank Senator Gallacher for that supplementary question. As progress continues towards the future submarines and, particularly, the integration of the combat systems—as I have said before, we
have endorsed the combat system and heavyweight torpedo jointly developed by the United States and Australia as the main armament for the future submarines—that is involving industry-wide participation. It is a very important part of the process, and those jobs are starting now.

**Overseas Students**

Senator JOHNSTON (Western Australia) (14:56): My question is to the Minister for Tourism and International Education, Senator Colbeck. Will the minister advise the Senate how many international students chose Australia as their study destination last year?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:57): Thank you for the question, Senator Johnston. Yesterday I had the opportunity to bring to the chamber the fantastic results for the Australian tourism industry, which has been identified as one of Australia’s five supergrowth sectors. Today it is a real pleasure to talk in respect of one of my other responsibilities, which is international education, also identified as one of Australia’s supergrowth sectors. Last year, international education was worth $19.65 billion to the Australian economy and employed in excess of 130,000 Australians—a lot of Australian jobs are in the international education sector. I am delighted to inform the Senate that we set a record in 2015, with 498,155 international students choosing to study in Australia. International student mobility has increased considerably over the last decade, with employers increasingly seeking employees with international experience. This trend is likely to increase. Australia is very well placed to increase our share of international students, as one of the top three countries in the world for international education. We are committed to growing our market share.

A few weeks ago, I attended English Australia’s biggest English lesson in the world on Bondi Beach. Over 3,000 students from 62 countries attended, which gives a clear indication of the breadth of students attracted to Australia. They achieved their quest to set a Guinness World Record for the largest ever English lesson. This was a fantastic event on the shores of Bondi Beach and clearly demonstrated Australia’s capacity in the international education space.

Senator JOHNSTON (Western Australia) (14:59): Mr President, I ask a supplementary question. How has Australia improved its market share, Minister?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (14:59): Since 2003 Australia has almost doubled the number of international students studying here on shore. For a country of our size, we punch well and truly above our weight when it comes to attracting international students. We recognise that the student experience is key to boosting our market share, and the 2014 student survey indicated that 93 per cent of students said they chose Australia because of the quality of our courses but also because of the institutional reputations and, of course, for the safety in this country. Also, our post-study work rights are a real incentive for international students who may seek to remain in Australia after the successful completion of their studies.
Senator JOHNSTON (Western Australia) (15:00): Mr President, I ask a further supplementary question. What steps is the government taking to further grow the number of international students who study with an Australian education provider?

Senator COLBECK (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (15:00): As I have already indicated, international education has been identified as one of Australia's supergrowth sectors of the economy. Key priority markets have been identified for future growth, and we expect onshore opportunities to come in the future from China, which is currently our largest source of students, India, the Philippines, Thailand and Nepal, to name a few. The most likely markets for growth in the future are India, China, Vietnam, South Korea, Malaysia and Hong Kong. To realise the full potential of this sector, the Turnbull government is developing and will release quite soon the first ever international education strategy, which will seek to provide a pathway for future expansion of international education both here in Australia and through transnational education. I am planning to launch this strategy in coming months.

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

STATEMENTS
Fair Work Commission

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (15:01): by leave—Last week I provided the Senate with an update in relation to an inquiry into complaints related to Vice President Lawler of the Fair Work Commission. I advise the Senate that shortly before question time I received notification from the Office of the Official Secretary to the Governor-General indicating that His Excellency today received a letter from Mr Michael Lawler resigning as a presidential member of the Fair Work Commission. Mr Lawler's resignation from the Fair Work Commission commences with immediate effect.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Workplace Relations

Senator MOORE (Queensland) (15:03): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Cash) to a question without notice asked by Senator Moore today relating to domestic violence leave and work-family leave.

I specifically asked the minister about the issue of domestic violence leave in the public sector and also more widely in the community. In relation to the public sector, the minister said that it certainly was not her role to be engaged in issues around public sector bargaining; this was the responsibility of individual agencies. When I pressed further about what was happening in other areas of the community, particularly some of our leading corporates, where domestic violence leave is now becoming a standard provision in some of the leading corporate agencies, she again said that public sector bargaining was simply an issue for the public sector agencies themselves.

When I went further—through the three steps—to the second supplementary question, and asked whether the minister would directly support an entitlement of five days of paid domestic and family violence leave in the National Employment Standards, she said at that
stage that the Productivity Commission report was coming through, that she would take note of that and in due course would then give some consideration to the issue of domestic violence leave.

Today Minister Cash was a very popular recipient of questions. She received questions from Senator Waters about issues around the gender pay gap and she also received a question from Senator O'Sullivan. Of course, Senator O'Sullivan was very keen to have a male's voice in the conversation. We know that from past experience, in Senate estimates last year. It is on record that Senator O'Sullivan felt it was important to have a male voice in the process of Senate estimates. In the minister's responses she then talked about issues of structural, cultural and institutional barriers to having women being involved in their workplaces.

Mr Deputy President, in going back to my own question—before you take the point of order you may have had in your mind—my point is that the minister said that, on the issue of public sector bargaining, she would not intrude because it was the responsibility of individual agencies. Domestic violence leave is an issue of core importance. A Senate committee identified that, when it came to family violence, the link between women and their employment was a key issue with respect to their safety into the future. When we are talking about issues around domestic violence, employment—solid, secure employment—remains an important element for women.

In the public sector, some departments already had this leave entitlement. I think it is a core responsibility of the minister to look at this being stripped out of agreements and put into policy. We know that the department and the minister herself have been very active in looking at the issues of domestic violence in our community. A range of policy changes have been put in place, and the minister referred to those in other answers she gave today.

Our proposition is that when we have already identified, through the evidence provided to our inquiry, that work has already been done in key agencies such as Telstra, NAB and Virgin, where they have seen the need to actually put this into their core conditions of service, surely there would be an expectation that the government of the day, the government that had identified the need to respond to women's fear about losing employment and having no secure income, would say that they would lead in this area in the public sector, that they would entrench this kind of condition in entitlements. They would not wait for yet another Productivity Commission report or another round of interviews or processes that would say 'We know domestic violence leave works. We know it is an entitlement that would actually be valued.' Why doesn't the government include in their response to domestic violence issues in Australia a commitment to five days of paid domestic leave in people's national employment standards? Don't wait. Don't actually cover it with rhetoric. Take on directly the institutional, structural and cultural barriers around security and ensure that everyone, workers in the public sector—which was the direct element of my question—but also in the wider community could have this as a paid entitlement in their workplace. (Time expired)

Senator WILLIAMS (New South Wales) (15:08): I would like to add to the debate on taking note of answers to questions in question time. I was quite disgusted with some of the cynical and sarcastic remarks when my colleague Senator O'Sullivan asked his question today about women and their protection from domestic violence. Senator O'Sullivan was a detective, a police officer, for many years. He has been a huge campaigner against domestic violence. In fact, when a minister's office has held meetings—
Thursday, 3 March 2016

The PRESIDENT: Senator Polley on a point of order.

Senator Polley: I draw to the senator's attention to the issue before the chair. It is not a
time to promote one of his colleagues. It is about responding to the issues that are being taken
note of today.

The PRESIDENT: On the point of order, the question before the chair is not the question
that you have started to address, Senator Williams; it was the question asked by Senator
Moore of Senator Cash. You are actually addressing the question asked by Senator O'Sullivan
of Senator Cash.

Senator WILLIAMS: I am referring to domestic violence, and Senator Moore has
referred to the question. I am getting to that very point. We are talking about domestic
violence and how we solve the problem. What do we do about harm to women? None of us in
this building would ever endorse or condone any actions of violence, especially against
women. That is the point I was making about domestic violence.

The government is committed to addressing domestic and family violence and sexual
assault affecting all Australians. It is a serious problem. From my personal life experience,
where I hear or see women especially being harmed or bashed, often it is related to drugs and
alcohol. The treatment of women by some men is deplorable. I was referring in that context to
Senator O'Sullivan, who has been a huge campaigner against domestic violence. We talk
about what we in government are doing about this issue. The point I want to make is that
when a minister has had open meetings at their office to address this very issue, the first
person through the door was Senator O'Sullivan. We need to address this issue and he has
been a huge contributor to the abolition of domestic violence.

Getting back to the issue of many businesses having discussions with their employees
about the best way to support affected employees in the workplace. This should be
encouraged. It is important that individual businesses, in conjunction with their employees,
work out leave and other arrangements that will suit their unique circumstances. In most
cases, it is, of course, not one size fits all. So it is important for businesses to actually work
together with their employees to see that people who have been treated badly in domestic
violence situations are treated in the best way possible. I am pleased to hear reports that a
number of large businesses are taking positive steps to deal with domestic violence issues by
proactively addressing it in their workplace arrangements and policies. This is to be
encouraged. Businesses are showing the lead.

I keep coming back to one thing: Why is there so much domestic violence? Let's look at the
root cause of it. It is a very difficult question to answer. Why do businesses face this
situation? Why are some people so disrespectful to their partner, their spouse, their workplace
colleagues et cetera. That is the question I ask, and I wonder what the solution is. It is a very
simple question to ask but the solution is very difficult to find. This is a complicated issue.
Earlier this year, even a member in Sydney was reported to have accepted that it would be
complex for small employers to cope with a mandatory system of domestic violence leave. It
would be very complex—what are the situations and what are the causes? We see the result of
something very wrong being done. But why is the violence there? We should look to the root
of the problem, to the violence itself.
I note that the Productivity Commission's report into the workplace relations framework included a discussion on domestic violence in the workplace. The government is carefully considering the Productivity Commission's discussions in relation to workplace support for the victims of domestic and family violence. They need support. Some of the things we hear are disgraceful and deplorable. I add that it is not always women. I know that men have been bashed and abused, as well. The statistics show that 99 per cent of the time it is the woman who is being treated badly.

How do we solve the problem? We should work with businesses and encourage them to do exactly that. The immediate and urgent priority of the government is to ensure the safety of women and their children who are at high risk of experiencing violence. The $100 million package announced by the Prime Minister in September 2015 provides essential measures and services that will improve front-line support and services. (Time expired)

Senator POLLEY (Tasmania) (15:14): I look forward to making my contribution today, particularly in light of Senator Williams asking how do we resolve this issue of domestic violence. For a start, the government should not be outsourcing responsibility—it should be showing leadership. That would be a very good start—an excellent start. Senator Cash comes in here and, first off, who does she blame? The CPSU—let's attack another union—and she then went on to say that these negotiations had nothing to do with her; she wanted to wash her hands of them. Well the buck stops with the government of the day.

Senator Ian Macdonald: Mr Deputy President, I rise on a point of order on relevance because of your very sensible ruling a minute ago when this speaker took the same point of order on Senator Williams. Senator Polley is talking about the wrong question. In accordance with your ruling before, I ask you to direct her to the question before the chair.

Senator McEwen: On the point of order, Mr Deputy President: Senator Polley is absolutely on point. I can read the whole question to Senator Macdonald, if he failed to listen to it the first time. The question before the chair is to take note of the answer of Senator Cash to the question asked by Senator Moore, which was about Australian public sector bargaining for domestic violence and family work leave. I believe, Mr Deputy President, that Senator Polley is absolutely on point.

Senator Ian Macdonald: So it includes the CPSU?

The DEPUTY PRESIDENT: I have heard your supplementary comments, Senator Macdonald. The motion is to take note of the answer given to the question. I was also in question time and I recall Senator Cash's answer, and I think Senator Polley is addressing that question exactly.

Senator POLLEY: Thank you, Mr Deputy President. As I was saying, the minister has come into this chamber and wiped her hands of any negotiation. This government has failed to show any leadership. When it comes to domestic violence, if you have spoken to anyone who has been a victim then you would know how difficult it is for those women to speak up, to seek out help. It is extremely difficult. So here we have a government who is negotiating with its own employees, and the minister says it is nothing to do with her when she has a perfect opportunity to lead the nation—not leave it to private enterprise. It is like when they want to outsource everything to do with the work force in aged care—the minister told us in estimates it was not her responsibility. This is a serious issue that all Australians should be
concerned about, and I believe most are. We need leadership from the government. The Labor opposition, through Mr Shorten, has already outlined the plan for an incoming Labor government to invest $70 million in measures to assist people in family violence situations.

If we want to find a solution, as Senator Williams said, to this serious issue then we need leadership—we need to start with the government leading the way with its own employees. The Prime Minister has the ability to direct that in the bargaining framework policy they adopt the same policy that we have set out to ensure that those people who need it get five days paid leave a year. It is easy to come in here and talk the talk but it is a lot more difficult to go out in the community and walk the walk. We saw last year when Ms Batty was the Australian of the Year how it put domestic violence back on the political agenda. But once we are in government we have the responsibility to lead—it is not for a minister to wash her hands of it and put it back onto someone else and use the opportunity to again attack unions. These are real people who work in government departments and work in private enterprise. All of us and our families deserve to have support and know that we can reach out and when needed can have some extra leave available to us. Senator Williams is quite right—it is not just women who experience the trauma of domestic violence. We cannot forget that there are children in those families and those circumstances who not only are affected on a daily basis but also can be impaired for the rest of their lives.

This is not an issue that should come in and out of vogue. This is an issue that should be on our agenda every single day. We will not sit here in this chamber and be lectured by Senator Cash and have her attack unions when we have a union that is trying to represent the best interests of government employees. The minister is going to sit back and allow that to continue without setting the agenda and intervening. Before the election Mr Abbott promised one thing and did another, and this is another example of Prime Minister Turnbull not showing leadership. After the performance here in the chamber at question time, if I were him I would be calling the minister in and asking when she is going to ensure that those provisions are included. That is what I would be doing if I were Prime Minister. I am calling on him to show some leadership and take some action, because it is unacceptable for a minister of the Crown to come in here and just wash her hands of such a serious issue. (Time expired)

Senator IAN MACDONALD (Queensland) (15:21): The previous two Labor speakers have indicated that the answer of Minister Cash was attacking unions. That is not a bad debate to have in this chamber. I can understand why the Labor Party, who are totally supported by the union movement both with cash and in kind, do everything the union movement ask them to jump to their feet to defend them, even in the case of the ACTU, which has been proved in courts to be an absolutely vile, bullying, outrageously aggressive union—

Senator Polley: Mr Deputy President, I rise on a point of order. I reluctantly have to, yet again, draw your attention to the fact that the good senator is in no way speaking to the issue before the chair. I ask you to draw to the attention of the senator to the fact that he needs to be relevant—although he is not really relevant in here any more.

The DEPUTY PRESIDENT: Some general flexibility is allowed in this debate, however I will listen to Senator Macdonald's comments and I remind all senators that the question is to take note of the answer given by Senator Cash to the question by Senator Moore.

Senator IAN MACDONALD: My colleague has just alerted me to the fact that I said ACTU. Of course, I meant CFMEU, which is a vile union led by what appears to be thugs and
bullies. The two previous Labor speakers in this debate indicated in their speeches that Senator Cash was attacking the union. I simply point out that I can understand why workers have left the unions in droves. One of the reasons is that they do not want their money going to support the Labor Party, which is where the union money goes.

**The DEPUTY PRESIDENT:** Senator Macdonald, if you would resume your seat. Senator Brown, on a point of order.

**Senator Carol Brown:** Mr Deputy President, I raise a point of order on relevance. I ask you to bring the senator back to the question before the chair. The question is about public sector bargaining. He is nowhere near it. It is about public sector bargaining for domestic violence leave and family leave. That is what it is about. It is an important issue. I ask you to bring the senator back to the question before the chair.

**The DEPUTY PRESIDENT:** In Senator Cash's answer where she talked about unions it was specifically in respect of one particular union in relation to the bargaining that is going on at the moment. That does not invite people to take a very general position. I simply ask Senator Macdonald to confine his remarks as best as he can to the answer given by Senator Cash. Senator Macdonald, you have the call.

**Senator IAN MACDONALD:** Thank you for that. I can understand why Labor senators jump to the defence of the unions every time the facts are shown. As the two Labor senators said in this debate, we are addressing the answer given by the minister and, according to the two Labor senators who spoke, the minister's answer was attacking the unions. I can understand why the CPSU, of all the unions, has a 44 per cent membership, and I might come to that shortly. In the private sector, the union membership is 12 per cent. It is no wonder people leave the unions.

I want to indicate, as the minister did, that this is an issue which has attracted this government's attention and the money that this government controls. The immediate and urgent priority for the coalition government is to ensure the safety of women and their children at high risk of experiencing violence. As the minister indicated, in September last year the Prime Minister announced a $100 million package to provide essential services and leverage innovation technologies to keep women safe and to provide education resources to help community attitudes to violence and abuse.

Like the submarine debate we had, here is a government in this area actually doing things that Labor did not do when it was in government. Labor complained about the submarines, but when they were in government for six years not one contract did they give for submarines or any shipbuilding whatsoever, and it is similar here. This government actually does things. It puts money into it, and I have mentioned the $100 million package. It does not just get up here when the CPSU rings the bell or pulls the chain. When they do, up jump the Labor senators to try to increase their membership drive or whatever they are doing. The coalition government acts—it puts money into it—as it is doing with shipbuilding. It again shows the abject hypocrisy of the arguments of the union movement and of the Labor senators who are simply mouthpieces for the union movement.

I want to also indicate that under the National Employment Standards of the Fair Work Act, employees already have a specific right to request flexible working arrangements if they are experiencing family violence or providing care or support to a member of their family or
household who is experiencing family violence. The act also includes a number of other provisions that may assist employees who are experiencing domestic and family violence. This is already there in the act. These provisions include a range of general provisions, statutory minimum entitlements to personal, carer's and compassionate leave to support a family member with a serious personal illness or an injury. These things have been addressed, they are being addressed and, more than that, they are being supported with government money, as the minister indicated.

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:28): I take note of the answer of Senator Cash to the question asked by Senator Moore about public sector bargaining, in particular with regard to domestic violence leave and family leave. I note that this morning in this house we had breakfast to acknowledge that it will soon be International Women's Day. It was a very well-attended breakfast, where both the Prime Minister, Mr Turnbull, and the opposition leader, Mr Shorten, spoke about the importance of addressing domestic violence and about how important it is to curb this scourge of Australia to ensure that women are empowered, that women have equality and that women are able to be full participants in the community. I certainly recommend to people that they have a look at the statement that the Leader of the Opposition made this morning. I am very proud of what Mr Shorten said with regard to domestic violence. He gave practical examples of how we in the parliament can assist to ensure that we wipe out domestic violence.

I do note, like my colleague Senator Polley, that the Minister for Women, Senator Cash, who was also at the breakfast this morning, when asked the important question, 'What is the Turnbull government's attitude to retaining domestic-violence and work-family leave provisions in public sector enterprise agreements?' unfortunately immediately took the low road and started to attack the union that represents public service workers in this country—a very disappointing response, I thought. But we in the Labor party were not surprised that that was the initial reaction of the minister for the status of women. Of course, we heard that reinforced by both Senator Macdonald and Senator O'Sullivan's contributions in the taking note of answers debate today.

The reason that the Labor Party asked these questions about domestic-violence leave and work-family leave is that we know the devastating impact that domestic violence has on working women, and it affects women in the public sector as it does women in the private sector. Both the public sector and some private sector firms have made great strides in ensuring that domestic-violence leave is available to women as part of enterprise agreements or other workplace negotiations.

I point out that the whole issue of domestic-violence and work-family leave was put on the table in enterprise bargaining negotiations by trade unions. It did not just appear there out of nowhere. It was put there by trade unions, who have worked very hard to bring this issue into the workplace so that it can be dealt with, because we know that women in the workplace who are affected by domestic violence suffer enormously.

Not only do they suffer physically and have to maybe take sick leave or leave to look after their children when the relationship is in strife; they also often have to take leave to deal with things like legal matters, to move house to escape a violent partner or to find alternative schooling for their children when they have had to move away from the family location because of the domestic violence perpetrated on them. Those things mean that women miss
out on many workplace benefits, including opportunities for promotion or pay rises—because they are dealing with violence at home that affects them in the workplace.

At the last International Women's Day, in 2015, the opposition leader, Bill Shorten, made some significant commitments about what a Labor government would do to ensure that there was adequate funding in particular for legal services for women suffering domestic violence, because we know that that is another big factor affecting women. The Labor Party will also support unions to ensure that domestic-violence leave and work-family leave is included in enterprise bargaining agreement frameworks for the public sector.

It is a responsibility of government. We cannot wash our hands of it, as the Turnbull government has done, and say, 'It's up to the agencies in the public sector to determine whether or not we have domestic-violence leave.' This government can make that decision. This government can ensure that agencies in the public sector include domestic-violence leave and work-family leave in public sector enterprise agreements. It is not appropriate for the Minister for Women to stand here and say, 'It's not up to me.' It is up to her. It is up to all of us—but, in particular, it is up to the Turnbull government. (Time expired)

Question agreed to.

Extradition Law: China

Senator MADIGAN (Victoria) (15:33): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked today in relation to Australia's extradition treaty with China.

I listened intently to Senator Brandis's answer, but I fear there is a gap between rhetoric and reality in this place. That brings me to a recent case in the ACT, that of Mr Krunoslav Bonic, which highlights the need for caution when it comes to extradition requests—although this was not a request from China. Mr Bonic was locked up in a prison, away from his family, after the Australian government agreed to extradite him to Bosnia. As required by law, they did not undertake any investigation as to the merit of the charges. Luckily, Mr Bonic's legal team presented evidence to the Bosnian government to contradict the charges, and the Bosnian government withdrew the charges.

The Chinese government may not be so accommodating to someone in Mr Bonic's position. I urge the government to reconsider ratifying this treaty in light of the enormous financial and emotional devastation that remains for Mr Bonic and his family.

Question agreed to.

Syria

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:34): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator Ludlam today relating to the civil war in Syria.

My questions to the Attorney-General were on the issue of the cessation of hostilities in the Syrian civil war that may open up space on the ground for an actual peace process, in a serious way that we have not seen in the full five years of horror in which the Syrian civil war has unfolded. I was interested in knowing specifically what resourcing, what kind of
commitments and what diplomatic energies the government was expending on bringing peace to that war-torn region.

Now, whatever your views on the Australian government's intervention in Iraq in 2003 that ripped that country apart and laid the groundwork for the emergence of Islamic State, Australia's role in the Syrian civil war is much more ambiguous. We deployed the Royal Australian Air Force into that conflict. Senator Brandis was careful to make the distinction that we are not intervening in the Syrian civil war; we are attacking Islamic State positions in the western part of Syria. But Islamic State actually is a participant in the Syrian civil war, which gives rise to the question: is Australia now an additional combatant in that war-torn country?

Former Prime Minister Abbott and his former defence minister, Mr Andrews, rushed to stand in front of a dozen flags and cheer on the deployment of the Australian Defence Force into that war-torn region. But where is the announcement now that it appears at long last that the agony of that country may be brought to an end? Instead of energy expended in military hardware, is there energy being expended in the kind of diplomatic effort that would be required to actually get this to take hold on the ground?

Yesterday I was honoured to meet two Syrian refugees who have made new lives for themselves. Bassam al-Ahmad has made a life for himself now in Istanbul, Turkey; and Reem Zaitouneh—apologies if I have pronounced either of your names incorrectly—is now resident in Ottawa, Canada. Both of them work for an organisation called the Violations Documentation Center—the VDC. They both gave a snapshot of the extraordinary energy and work that is going to be required to end the violence that has torn that country apart.

Where is the Australian government? We were first in line when it came to military deployment, but where are we now? Some of Senator Brandis's words were reassuring, but at no point did he outline any of the actions that are being taken. One thing that we could do, and one thing that the government could have done, is clarify exactly why it is that Canada has rescued 800 times more refugees than the Australian government. The 12,000 refugee intake commitment of last September was welcomed across the political spectrum, and it changed the debate. Now we find that only 26 individuals have been resettled and only 200 people have been interviewed. That is 800 times less than the Canadian authorities have taken in. It is time we stepped up.

Question agreed to.
COMMITTEES

Publications Committee

Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:38): On behalf of Senator Reynolds, I present the 22nd report of the Senate Standing Committee on Publications.

Ordered that the report be adopted.

Electoral Matters Committee

Corrigenda to Report


Ordered that the document be printed.

Australian Commission for Law Enforcement Integrity Committee

Report

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:39): I present the report of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity on the examination of the 2014-15 annual report of the integrity commissioner, together with the Hansard record of proceedings.

Ordered that the report be printed.

Senator BILYK: I move:

That the Senate take note of the report.

The Australian Commission for Law Enforcement Integrity, ACLEI, is responsible for preventing, detecting and investigating serious and systemic corruption issues in Australia's law enforcement agencies. ACLEI is required, pursuant to the Law Enforcement Integrity Commission Act, to provide an annual report to the parliament detailing its activities and investigations.

The annual report notes that ACLEI's jurisdiction continues to expand. In July 2015, ACLEI's jurisdiction expanded to include the Department of Immigration and Border Protection, including the newly-formed Australian Border Force.

ACLEI expects integrating the Department of Immigration and Border Protection into ACLEI's jurisdiction will remain a priority into the foreseeable future.

ACLEI continues to receive a high number of corruption issues. In 2014-15 ACLEI received 100 new corruption issues. Comparatively, in the first six months of the 2015-16 reporting year, ACLEI has received 134 new corruption issues. This is a trend that ACLEI and the committee will continue to monitor closely.

The committee agrees with ACLEI's assessment that corruption-enabled border crime continues to be a significant law enforcement integrity issue. The committee has had a firsthand opportunity to examine the challenges that ACLEI faces at the border during our
inquiry into the integrity of Australia's border arrangements. That inquiry is continuing, and I look forward to updating the chamber when the committee concludes its inquiry.

The committee notes that ACLEI's budget in 2014-15 was increased to over $10 million. This funding included $1 million of temporary transitional funding to prepare for the integration of the Department of Immigration and Border Protection into ACLEI's jurisdiction. ACLEI concluded the 2014-15 reporting year with an operating surplus of $1.4 million, due to ongoing difficulties in filling temporary vacancies and supplier expenses that were lower than expected.

The committee notes that ACLEI has met or exceeded all of its KPIs in 2014-15. In particular the committee notes:

- the appointment of a workflow manager resulted in 96 per cent of notifications and referrals received in 2014-15 being finalised within 90 days of receipt;
- that ACLEI adopted the recommendation of the committee's report from the previous reporting period to implement regular meetings with partner agencies to oversee internal investigations; and
- that the increase in corruption notifications and referrals reflect greater awareness of ACLEI's role in supporting the integrity of Australian law enforcement agencies.

ACLEI and its partner agencies have contributed resources to concluding historical corruption issues. The committee has recommended minor changes to the set out of tables to provide a clearer picture of the issues being carried forward and the agency responsible.

Finally, the committee congratulates the Integrity Commissioner, Mr Michael Griffin, and ACLEI officers for the quality and readability of the 2014-15 annual report, and for their cooperation and engagement during the inquiry.

Question agreed to.

**Foreign Affairs, Defence and Trade References Committee**

**Government Response to Report**

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:42): I present the government’s response to the report of the Foreign Affairs, Defence and Trade References Committee on its inquiry into the use of unmanned air, maritime and land platforms by the Australian Defence Force and seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

**Australian Government response to the Senate Standing Committee on Foreign Affairs, Defence and Trade**

**Use of Unmanned Air, Maritime, and Land Platforms by the Australian Defence Force**

**March 2016**

**Recommendation 1**

The committee recommends that the Department of Defence strengthen its public communications in relation to military unmanned platforms.

**Government Response**
Agree
The Department of Defence, through VCDF, will develop Strategic Communication Guidance that aligns current Group and Service communication strategies and prioritises opportunities to promote and explain the acquisition and employment of military unmanned platforms.

The focus of this guidance will be to identify and support public information activities for the Government and Defence that: promote the capability and reliability of military unmanned platforms; explain the policy and physical control mechanisms that govern their employment in operational and domestic environments; and, address public concerns and dispel misinformation regarding their use.

Recommendation 2
The committee recommends that the Australian Defence Force acquire armed unmanned platforms when the capability requirement exists and the Australian Government make a policy statement regarding their use. This policy statement will:
• agree that armed unmanned platforms will be used in accordance with international law;
• commit that armed unmanned platforms will only be operated by the [sic] Australian Defence Force personnel; and
• include appropriate transparency measures governing the use of armed unmanned platforms.

Government Response
Agreed in principle
The Government's decisions on Australia's future defence capabilities, including unmanned platforms, will be addressed in the forthcoming Defence White Paper. The Government will make statements in regard to the introduction of new capabilities addressed in the Defence White Paper at appropriate times.

If the Government decides to acquire armed unmanned systems, Defence will develop policy and doctrine concerning their use. All Australian Defence capabilities, including unmanned platforms, will continue to be operated in accordance with Australian domestic law and consistent with Australia's international legal obligations (in particular the provisions of the law of armed conflict).

The recommendation proposes that armed unmanned platforms will only be operated by Australian Defence Force (ADF) personnel. Defence's policy will allow the option for contracted staff to support administrative functions of armed unmanned platforms, such as their launch and recovery, test and evaluation and for training purposes. ADF members would retain responsibility and accountability for any use of force by those unmanned platforms.

Recommendation 3
The committee recommends that the Australian Defence Force notify the Australian Government of measures taken to address any identified gaps [in] training and dissemination programs regarding the law of armed conflict and international humanitarian law when armed unmanned platforms are acquired.

Government Response
Disagree
Unmanned Australian Defence Force (ADF) platforms are subject to, and employed under the same legal framework (whether domestic or international) as manned ADF platforms. Specifically, both types of platforms are subject to the same legal considerations and constraints under the law of armed conflict.

As noted in the Report, the ADF has a recognised record of compliance with the law of armed conflict and international humanitarian law and has a high level of engagement with entities such as the International Committee of the Red Cross and the Australian Red Cross. The ADF also consistently
provides foundation level training on the law of armed conflict and international humanitarian law to all
ADF personnel, which is supplemented with in-depth and mission specific training on these topics, as
well as rules of engagement as part of pre-deployment training. Reinforcement training in rules of
engagement and the law of armed conflict is also conducted while forces are deployed.

The ADF has already anticipated the need for additional training for personnel in relation to a number
of different areas of emerging technology, including unmanned platforms, and has already introduced a
number of courses and training programs for individuals working within these fields to ensure that they
are fully cognisant of Australia's domestic and international legal obligations.

The ADF continues to conduct careful analysis of the ability of any proposed new weapons to comply
with Australia's international legal obligations through its weapons review processes conducted under
Article 36 of Additional Protocol I of June 1977 to the Geneva Conventions of 12 August 1949. As part
of the review of new weapons, analysis is conducted on the manner in which the weapon is proposed to
be employed, thus enabling, if necessary, the modification of its use, as well as training requirements
for those personnel operating the system, to ensure compliance with the law of armed conflict. The
Government does not expect to alter this process as a result of any future introduction of armed
unmanned systems.

The Government therefore sees no need for the ADF to report changes in its training programs upon
acquisition of armed unmanned platforms, given the current level of training provided to ADF
personnel, the use of a robust legal and governance framework for all ADF operations, and the ADF’s
strong record of compliance with the law of armed conflict.

Recommendation 4
The committee recommends the Australian Government:
- increase funding for innovation in the relation to unmanned platforms; and
- establish a Defence Unmanned Platforms Centre as a cooperative research centre in the area of
  military unmanned platforms.

Part 1—"increase funding for innovation in the relation to unmanned platforms"

Government Response
Agreed in principle
The Australian Government recognises that Australian industry and academia are globally competitive
in a number of key technologies related to "unmanned platforms" and autonomous systems. Defence
will seek to maximise these strengths to support future capability development. However, the level of
investment in innovation activities is driven by the future capability needs of Defence and will be
aligned with broader Defence strategy and policy.

Part 2—"establish a Defence Unmanned Platforms Centre as a cooperative research centre in the
area of military unmanned platforms"

Government Response
Disagree
Establishing a cooperative research centre may not be the most effective means of delivering access to
innovation in technologies and systems supporting future unmanned platforms and autonomous
systems. Defence will investigate appropriate mechanisms to bring together industry, academia and
publicly funded research agencies within the context of revisions to the Defence Innovation System to
be outlined in the forthcoming Defence Industry Policy Statement. Defence will also investigate how
this might impact current investments in autonomy and automation - such as the Australian Research
Centre for Aerospace Automation (ARCAA).

Recommendation 5
The committee recommends that strategic engagement with the Australian unmanned platform industry be addressed in the forthcoming Defence Industry Policy Statement.

**Government Response**

**Agreed in principle**

The forthcoming Defence White Paper and accompanying Defence Industry Policy Statement, will set out the Government's plans for Australian industry's critical role in delivering and supporting Defence capability. This will include plans for a closer Defence-industry relationship, including with the unmanned platform industry, that will see industry engaged much earlier in the capability development process—including in the setting of requirements—in line with the recommendations of the First Principles Review.

**Recommendation 6**

The committee recommends that the Australian Government:

- consider establishing additional support facilities for the Triton in the Northern Territory; and
- review the future deployment and support needs of Australian Defence Force unmanned platforms in the Australia's north.

**Government Response**

**Agreed in principle**

The Australian Government seeks to ensure that all current and future capabilities are supported with the necessary facilities. The Department of Defence recognises the requirement for support facilities in the Northern Territory to deliver critical capabilities, but acknowledges the need to balance forward positioning against access to industry support, training facilities, ranges, logistic support and the costs of other fundamental inputs to capability.

Defence has already planned the establishment of a Forward Operating Base for Triton at RAAF Base Tindal which will include launch/recovery and maintenance elements. The consideration of support facilities is ongoing through Project AIR 7000 Phase 1B.

The Government's decisions on Australia's future defence capabilities, including unmanned platforms and associated support facilities, are addressed in the forthcoming Defence White Paper.

**Recommendation 7**

The committee recommends that the Australian Government support international efforts to establish a regulatory regime for autonomous weapons systems, including those associated with unmanned platforms.

**Government Response**

**Agreed in principle**

The Australian Government is participating in international discussions on autonomous weapons systems. Since 2014, Australian delegations (led by the Department of Foreign Affairs and Trade and supported by the Department of Defence) have been participating in discussions on lethal autonomous weapon systems at meetings of the Convention on Certain Conventional Weapons (CCW). These discussions are at the preliminary stage. The Government will remain engaged in these discussions.

The Government notes that the Committee recommendation has referred to both autonomous weapon systems and unmanned platforms. While there are unmanned platforms that have some autonomous features, these are not fully autonomous weapon systems. Unmanned platforms used by Defence are not fully autonomous weapon systems. These unmanned platforms are under the command of trained Australian Defence Force personnel. The Government supports the use of unmanned platforms, in accordance with Australian domestic law and consistent with Australia's international legal obligations.

**Recommendation 8**
The committee recommends that following the release of the Defence White Paper 2015 the Australian Defence Force review the adequacy of its existing policies in relation to autonomous weapons systems.

Government Response
Agreed in principle
As a matter of practice, after the Defence White Paper is released, the Department of Defence will review affected policies and practices and amend as needed. Defence does not have existing policy on autonomous weapon systems to review. Defence will continue to monitor this topic and develop policy on an as-needed basis.

Recommendation 9
The committee recommends that Defence, the Civil Aviation Safety Authority and Airservices Australia increase their cooperation to facilitate the safe use of unmanned platforms in Australian airspace.

Government Response
Agree
The Government supports efforts to improve and enhance cooperation between Defence, The Civil Aviation Safety Authority (CASA) and Airservices Australia. Addressing the emerging policy and regulatory challenges surrounding Unmanned Aircraft Systems (UAS) has, and will continue to be, a key focus of these efforts.

Under the auspices of the Defence Aviation Safety Program, Defence has sought to ensure close cooperation with CASA in the ongoing development of regulations and standards for UAS, harmonised where possible. The Agreement on the Promotion of Aviation Safety and Airworthiness between CASA and Defence was re-signed on 28 April 2015. The Agreement identifies UAS as a possible Topic Area in which regulatory systems may be aligned through the development of Implementation Procedures (IP). Defence is currently working with CASA to develop UAS IP during 2015.

The principal interface for operation of military UAS within civil airspace is through Airservices Australia. Reflecting the increased coordination and cooperation between civil and Defence agencies, a Memorandum of Agreement between Airservices Australia and Defence was signed on 29 May 2015 permitting the operation of the Heron UAS in both civil and military airspace within Australia. Defence will continue to actively engage with Airservices Australia and the Office of Airspace Regulation within CASA to facilitate the integration of military UAS into civil airspace.

Defence is represented on a number of interagency forums, including the Aviation Policy Group and the CASA UAS Standards Subcommittee, and will continue to seek to enhance cooperation with CASA and Airservices Australia to enable the safe and effective operation of UAS.

Senator LUDWIG (Queensland) (15:44): I move:

That the Senate take note of the document.

The reason I want to speak on this is that the use of unmanned air, maritime and land platforms has, across the board, permeated the existence of aviation. Aviation itself, more broadly, is now coming to grips with how to deal with the use of drones, as they are referred to—the use of unmanned air, maritime and land platforms. They are now being used as first responders. In the US, I had the opportunity of seeing how they are utilised by first responder groups right across the board.

It is interesting to note that they are also becoming far more cost-effective, far more reliable and far more useful in a wide range of roles—and in which they do not put people at risk. If you look at the broad use of UAVs across the platforms, the use by the various armed services is helpful. But when you look at how they can be utilised for communication and for
first response—to give you a scenario that is easily thought through—if you want to have a look over the horizon, over a hill or at various things that are occurring, then UAVs are a perfect platform to do that.

That is why recommendations in the original report went to the Department of Defence strengthening its public communication in relation to military unmanned platforms as but the first step. We also want to look at how the Australian Defence Force acquires these platforms, the capability of the platforms and how they can be utilised by the Defence Force in various roles. But you cannot simply put them into the field and expect them to be used ad hoc for different types of ambitions or different types of outcomes. You have to spend a fair bit of time to decide what the role is and how you going to use them, to train the operators to be able to use the UAVs in an appropriate way and to ensure that, for role that you want a UAV to be used for, the UAV is fit for purpose. All of these issues were ventilated in that report. The government response to that report is helpful in pointing us in the right direction.

The committee earlier recommended that the Australian Defence Force takes measures to identify gaps in training and dissemination programs. This is the point I was making. You simply cannot buy UAVs as a platform and expect them to perform the multi roles that you want them to perform. You have to actually define the role, consider how they can be utilised and then ensure that they are utilised for their best effect for a role where a manned aircraft, or a manner maritime patrol, would be, otherwise, more useful. It is imperative that we do look at how a government can increase funding for the use of UAVs as we go forward.

If you look at the UAV development in such a very short space of time, it has been phenomenal. In the use of UAVs across Europe, the US, the UK, there has been a growth in the use of UAVs in defence—or the armed services more broadly. Therefore, Australia does not want to be left behind in the utilisation of UAVs. But we also do not want to be simply buying UAVs for any purpose. Recommendation 4, I think, is germane to this point. It is not only about increasing the funding for innovation in relation to unmanned platforms, but it is also imperative to look at how you establish a defence unmanned platform centre—in other words, a cooperative centre to ensure that we can examine UAVs—how they are going to be used and the training, or what I call the ancillary support mechanisms, that would surround the use of UAVs. They can save lives, they can save time, they can be cost efficient in planning and executing various missions.

The committee also took the opportunity of recommending that strategic engagement with the Australian unmanned platform industry be addressed in the Defence industry policy statement. This is an area that simply cannot be ignored. It is a growing area for UAVs. You only have to consider how they can be deployed and how they can be more cost effective over the short to medium term as to why it is imperative for the Defence Force to seriously look at the longer term use. At the moment, I think it is fair to say, the Defence Force is acquiring UAVs and is utilising them in various ways. But it is the deeper understanding of how UAVs can be utilised for missions over the longer term which is imperative because they will not only replace established missions by manned vessels and manner aircraft but also complement that work as well.

In addition to that, how you then defend against UAVs is an important concept. I had an opportunity of talking to a person who is doing a doctoral thesis. They are doing their doctoral thesis, effectively, on how UAVs can communicate to one another—in other words, what they
generally consider as swarm technologies—so that they can interconnect, operate as a group, have a redundancy within that group and also, obviously, carry out a mission effectively. Complex algorithms are being developed for the use of that swarm type of arrangement—technologies. That will then drive even further developments with UAVs over time.

The committee at that time also recommended that the Australian government support international efforts to establish a regulatory regime for autonomous weapons systems. You also have to look at how you will manage the impact of these in battlefield environments. You want to ensure that you have the appropriate rules and regulations in place to ensure that the technology does not offend many of the arrangements we have in place about the use of current weapons. We do ban a range of weapons for very good reasons, but we want to be able to ensure that the regulatory environment for UAVs does not trip into any of those areas.

We also want to ensure overall that when we look at aviation and maritime—in other words, rights of passage—the regulations dealing with airspace and the sea are compatible with the use of UAVs. This technology is growing far more rapidly than the regulatory regimes that are following it are. Australia has been fortunate that Airservices Australia has managed to look at how it would integrate UAVs into its airspace management for some time and that it has one model. The US has had a different approach and, in fact, they are now trying desperately to catch up to where they should be.

But all of that tells us that this technology is here to stay. Not only that, it is here to develop into significant use by the Defence Force over time. These issues that I have had the opportunity of ventilating today do need to be sorted through and managed in an appropriate way to ensure that we do have and can use UAVs effectively to advance the Australian Defence Force and to advance the opportunity for saving lives by their use, where they can be used, but not put people at risk.

They can also complement intelligence gathering and they can complement the civilian response to an emergency, one of the areas where it would be helpful to have platforms such as this utilised.

Question agreed to.

COMMITTEES

Membership

The DEPUTY PRESIDENT (15:54): Order! The President has received letters requesting changes in the membership of various committees.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate, Minister for Communications and Minister for the Arts) (15:54): by leave—I move:

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

Environment and Communications Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Waters for the committee’s inquiry into the provisions of the Broadcasting Legislation Amendment (Media Reform) Bill 2016

Participating member: Senator Waters

Environment and Communications References Committee—

Appointed—
Substitute member: Senator McKim to replace Senator Waters for the committee’s inquiry into the commercial use of Tasmanian bumblebees

Participating member: Senator Waters

Finance and Public Administration Legislation Committee—

Appointed—

Substitute member: Senator Rhiannon to replace Senator Rice for the committee’s inquiry into the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2016

Participating member: Senator Rice

Rural and Regional Affairs and Transport Legislation Committee—

Appointed—

Substitute member: Senator Rice to replace Senator Siewert for the committee’s inquiry into the provisions of the Transport Security Amendment (Serious or Organised Crime) Bill 2016

Participating member: Senator Siewert.

Question agreed to.

**BILLS**

Commonwealth Electoral Amendment (Donations Reform) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

(Quorum formed)


If passed, this bill would stop certain industries, often linked with having a corrupting influence on the political process, from donating to political parties. The Greens’ donations reform bill bans political donations from developers and the tobacco, alcohol, gambling and mining industries.

We have targeted these industries as they do have a worrying track record in exercising often inappropriate influence on decision makers. The Greens' New South Wales 'Democracy for Sale' project, started 15 years ago, has put the spotlight on influence peddling associated with corporate bankrolling of parties and candidates. And we are talking big money here. It is very big money and it is certainly why many people become deeply cynical about the political process. Most people do not think that donors give money for no reason; they think there are strings attached. In the past five years the resource sector has donated more than $37 million, the gaming and hotels industry has donated more than $5 million and the property industry has donated more than $10 million to political parties. I am not saying this is illegal, but there is a perception that something is wrong.

ClubsNSW, the peak lobby group for poker machine dominated clubs in New South Wales, donated $20,000 in 2013 to the fundraising body supporting Kevin Andrews. Mr Andrews was leading the Abbott government's poker machine policy at the time. After the Abbott government repealed tough poker machine regulations, ClubsNSW donated another $10,000
to the Liberal Party. Disturbingly, the Menzies 200 Club, a Liberal fundraising vehicle, failed to declare the donation until eight months after the disclosure deadline. I acknowledge that this is not illegal. Making these payments at present is totally legal.

There are other examples that have left people wondering why the money was handed over. Often, if you look at the timing of the money, it becomes quite informative. In 2003, Manildra supported the federal coalition government at the time that key ethanol policy decisions were being made. In 2007, Manildra shifted its support to Labor when New South Wales introduced an ethanol mandate and when it applied for part 3A approval to expand its Shoalhaven starches operations. Just to explain, part 3A became one of the most notorious aspects of the New South Wales Environmental Planning and Assessment Act. It was brought in in a combined vote of Labor, Liberal and National parties and it was part of the watering down of very fine planning laws that were first brought in by the former Labor Wran government in 1979. At the time they were seen as world-class. They are based on the very important approach that public consultation should be the foundation of good planning laws. But what we saw, particularly to the end of the 1990s and into the 2000s, is that each year the Labor government, with the support of the Liberals and Nationals, would amend the legislation and further water it down. Part 3A became known by so many people. We all know it. How many people ever know the name of a section of an act? Part 3A became synonymous with the corrupting influence of donations. The other thing to take from the information I have just shared with you—Manildra giving to the coalition in 2003 and then giving to Labor in 2007—is that you see a trend in donation-giving: it shifts depending on who is on the rise in the electoral stakes; the corporate world shifts their donations to whoever is most likely to win.

In the Democracy for Sale project, when we collated the donations, we found that in 2003—that is when Manildra lobbied the Howard government for an ethanol excise, which was a successful lobbying exercise—they gave nearly $400,000 to the coalition parties. I mentioned how they shifted over to Labor in 2007, a time when they were looking for a favourable decision on some of their plans to expand production in the Shoalhaven area, which is south of Sydney. At that time, in 2007-08, it was a similar amount—nearly $400,000 again to Labor. This is the sort of money exchange that makes people deeply worried about how our electoral funding laws work.

What becomes very relevant when we debate this issue of political donations is a very important High Court case that was held recently. It was a High Court case that arose out of what has been discussed in this chamber a number of times: the impact of ICAC, our corruption watchdog in New South Wales. Eleven or 12 New South Wales Liberal MPs either resigned or had to stop being MPs because of the scandals that they were caught up in. Cases associated with it ended up before the High Court. Former Newcastle Lord Mayor and developer, Jeff McCloy brought the case to the High Court in a bid to overturn a New South Wales law banning developer donations. I remember being at polling booths and having interesting conversations with some Liberals who were really outraged about the laws, saying, 'Our people have done nothing wrong. They're bad laws. It's not their fault that they've broken the laws,' admitting that they had broken the laws by funnelling developer donations through different arms of the party—again breaking the law in New South Wales. So we had the developer cum Lord Mayor taking this case to the High Court. We argued that the ban was at
odds with implied freedom of communication under the Constitution. However, the court agreed with the New South Wales government that communication between legislators and voters was not impeded by the donations bans. This is where I want to give emphasis to it. Often, when we talk about bringing in bans on corporations in different industries, people will use this argument very readily: 'It'll be a constitutional risk. People have a right to communicate by giving money.' This High Court case has really put that whole argument to bed. I would argue that governments have an absolute responsibility to move on this issue, and with the High Court case it should be much more apparent that now is the time to do that.

I would argue that what the High Court did was a win for sensible restrictions which seek to enhance the democratic process by reducing the temptations for politicians to act corruptly. The ruling has far-reaching consequences for the regulation of political activity, because it expanded the definition of corruption. This is the great significance of the case: its analysis of corruption itself. Largely, corruption before this High Court case was seen in terms of: you give some money and then you get some benefit from it. I have been involved with the Greens' Democracy for Sale project since it started and, time and time again, we would produce figures that we got from the AEC and the New South Wales Electoral Commission that set out how much money had been given. The next question would be: what did the political parties do? What did the donors receive? I would answer time and time again, 'I don't know if any deals go on behind closed doors and, if they do, what they are.' Here we have seen an expansion in the definition of corruption by the High Court.

To go back to the comment that I just made about when people would ask me I would say 'I don't have examples where money has been handed over and somebody immediately gains a benefit'. What I saw in the 15 years that I have worked on this was the corrupting influence, and you have heard us use that term many times. What we saw was a weakening of laws that would suit the industry that was making the donations. That is why the Greens have worked for a long time for a ban on developer donations and for a ban on the other industries that are often associated with corrupting practices. I would argue that the High Court case has now set this out so clearly. I want to share with you some comments from my New South Wales Greens MP colleague, David Shoebridge, who said:

In the 1970s, when Bob Askin was NSW Liberal Premier, corruption was a pretty simple affair. Those who wanted a favour from the planning authorities or the police delivered a bundle of cash and the politicians delivered.

I note there are not any squeals from the government side because how corrupt that Liberal government was is on the record. What then has happened is that the High Court describes traditional corruption as 'quid pro quo' corruption. It is where money is handed over for a specific outcome, as I said, to approve a specific development, ignore an illegal betting syndicate or release a well-connected night. That is how it has worked.

This kind of corruption is where money changed hands for a specific outcome. But there is this other form of corruption, the corrupting influence over time particularly with regard to how our parliaments work, and this is where I would very strongly urge, as I have done before, that senators read the High Court case. The High Court case has called the form of corruption, the buying of influence across industries, as 'clientelism'. It is where, according to the High Court:
… office holders will decide issues not on the merits or desires of constituents, but according to the wishes of those that have made financial contributions valued by the office holder.

The High Court also states that consistent patterns of donations:

… compromise the expectation, fundamentals who representative democracy, that public power will be exercised in the public interest.

That is why the bill before us is so important. It is taking one step. We think many more steps need to be made, but it is taking a step that surely we could all agree with. It is not banning all political donations, it is not banning all corporate political donations. It is purely banning donations from industry that have become associated with having a corrupting influence on how we work as decision makers, and that is what we need to focus on. This bill seeks to tackle this form of corruption.

The bill proposed is actually similar to the Mining and Petroleum Industry Political Donations Legislation Amendment (Corruption Risk Reduction) Bill 2015 that has been moved in the NSW parliament by my colleague in the NSW lower house, Greens MP, Jamie Parker. That was in 2015, and in 2014 a Greens MP in the New South Wales upper house, John Key, moved a similar bill.

Now we have had interesting developments. In New South Wales banning developer donations was something that we took up in the early 2000s. I think it was in 2002 that we introduced the first Greens bill to ban developer donations. At the time there was a pretty wild debate in the New South Wales parliament because we had the figures about how many developers were donating to the Liberal, Labor and National parties. They came to a point where, as I remember, Labor were receiving more donations from developers than they were from unions. It was a period of massive development in New South Wales. There was a lot of overdevelopment, which was very destructive of local communities, so communities were agitating and the Greens were taking it up inside the parliament.

When we got to the end of the 2000s, interestingly, Labor were still an office. They started moving because they were recognising there was so much community pressure to take up the issue, and former Premier Morris Iemma was about to bring in the ban on developer donations, as I remember, and it did not occur. I have been critical of Labor, but when they do the right thing we are right there ready to work with them. When Nathan Rees was Premier he brought in a ban on developer donations. Subsequently the coalition also came on board with some of those. Most interestingly, some of those other industries that we have included in our bill were also covered by New South Wales legislation. Again, it is an area where there has been legislation passed. We see that it can work.

With this bill before us I urge senators to look at it closely. It has merit and it could really make a difference to the attitude people have to the political process and to how we work as senators in this place. Reform is urgently needed. It is reform that should be in place before the next election.

To reiterate, the Greens position is that should we should have a ban on donations from for-profit organisations. I recognise that other senators are not at this point. The experience in New South Wales was that the Labor, Liberal and National parties eventually came to the party and recognised that there was a deep problem within the wider community of growing agitation and cynicism about how politics was working. That is why they moved. Within 10 years the Greens went from having huge amounts of abuse heaped on the party because we
would name who the donors were. The leaders of the other parties, with the backing their parties, and incredible backing from the community are moving on the very issue that we are considering today. These are issues that I really urge senators give very strong consideration to.

If we take donations from unethical, corrupt, disreputable industries, it will reflect poorly on us. As I said, we are talking about millions and millions of dollars each year that comes in from these industries. There is no excuse, I would argue, for politicians, political parties and candidates to accept or solicit donations from the corporate interests named in this bill. It is time that we clean up how electoral funding works.

Let’s remember that these political donations are the icing on the cake in how election campaigns work. I find that people start out quite interested in election campaigns but, as the weeks roll on towards election day, they start to become quite cynical and jaded by the process, with all the attack ads on television and the coloured glossies shoved in their letterboxes. People get over that. If we ended these types of corporate political donations we would still have money to run our election campaigns, but we could get back to doing it on a more level playing field. We would be out there advocating for our election platform, having real debates about what happens to people, listening to the community and responding. We would be out there being committed to and selling our position in our election campaign, not just relying on those attack ads on TV, the coloured glossies and the fancy advertising that the millions of dollars from the private sector pays for.

That is why this can be easily cleaned up. If we are committed to enhancing the democratic process, which surely is something that every parliament should regularly turn its mind to, this should be an area we give top attention. The Greens bill on political donations reform that targets those certain industries—developers and the mining, tobacco, gambling and alcohol industries—is a start. It is not the full job, but it would show there is a commitment to cleaning up the corrupting influence of political donations.

**Senator WILLIAMS** (New South Wales) (16:17): I would like to contribute to this debate. I do not agree with this bill. Let me explain why. We do need to have a clean system. Unfortunately, there is a theory out there about politics, which is ‘no money, no mission’. You, Mr Acting Deputy President Sterle, and everyone else in this chamber would know you need money to advertise at election time to get out your message, your policies, what you plan to do et cetera. There are no discounts come election time. There is none of this, ‘If you pay for three ads, we will give you five.’ It is likewise for radio and likewise in the print media.

Have a look at what this bill targets. The government could not support a bill—with respect, Senator Rhiannon—that targets property developers. When it comes to developing property, I thought that was under the total control of local and state governments. If you want to develop, first of all your local government has to agree with a subdivision. You put a plan forward and go through the expensive process of having the subdivision approved. Then you put your buildings up. Your plan has to be approved by local government because there are strict state government regulations. If your local government disagrees with what you are planning, you can go to the Land and Environment Court and challenge the local government’s decision and that court will make a decision. So I fail to see what property developers—and I will stand corrected—have to do with this parliament here in Canberra.
Under, I think, section 51 of the Constitution the land is controlled by the states. It is a simple as that. They have control. They do not have to pay compensation when they take your land and bring in regulations like the Native Vegetation Conservation Act.

On the tobacco industry, I have had many meetings in my office with people from the tobacco industry. They have come to the National Party conference. They pay their corporate fee to come to our conference. The biggest issue they raise is the illegal trafficking of tobacco coming in from overseas—from Indonesia or wherever. This is tobacco and cigarettes packaged up to be presented as the real McCoy here in Australia. They are out there selling a legal product.

Then there are the liquor business entities. The last time I had a beer—and it was not that long ago!—I thought it was a legal product. When we were shearing in the old days and it was 40-degree heat, we had more than one. Sometimes we had more than five at the end of a day's shearing! Having a beer is part of the old Aussie tradition. After a hard day's work, you have a beer with your mates when you are a single bloke. It is not uncommon for my wife and I to have a glass of wine of a night when we are having a meal. The liquor industry is legal, of course.

Gambling business entities should be banned, according to this bill. I have to confess my grandfather was a bookmaker. So was my father. I actually worked for my father the bookmaker. There is a photo in my office of me holding the bag at Jamestown races back in 1976. I remember my father saying to me once during the 1967 drought, which was a tough time for the wool industry, that if it had not been for the bookmaking I would not have got the education I did at Rostrevor College in Adelaide. So I actually owe a bit to the gambling industry for a good education. I thank them very much.

Then there is the mineral resources or mining business entities. Apparently they should be banned from making donations. Look at what the mining industry has done for our nation. We have had a boom for years. Sadly, that boom is now over. It has brought tremendous wealth to our country. The cars we drive are not made out of tree leaves or bark off the nearest gum tree. They are actually made out of metal coming from the mining industry. For the aeroplanes we fly around in, it is the same thing. That industry has to be banned, according to this bill.

The bill says:

- industry representative organisations whose majority members are those listed above.

There is one body missed out here in this bill. It is called the trade union movement. I wonder why the trade union movement has been excluded from this? Who in this parliament gets money from the trade union movement?

I remember a bloke speaking yesterday in this place. His name is Senator O'Sullivan. He is a very quiet sort of a fellow most of the time.

Senator Ludwig: Unassuming.

Senator WILLIAMS: 'Unassuming’—that is a good description of him. Thank you, Senator Ludwig, for the interjection. Unassuming Senator O'Sullivan. He actually sits here and hogs the bench pretty well too, I might add. He highlighted how just short of $100 million has been donated to the Labor Party in the last 21 years.

Honourable senators interjecting—
Senator WILLIAMS: Perhaps I am being a bit cynical here—and the interjections might help me—but why isn't the trade union movement listed in this as well? There are probably 100 million reasons, Senator O'Sullivan, why they are not listed, because those same trade unions—such as the CFMEU—donate generously to the Labor Party. They donate to the Greens as well. Let's cut off the funding to the conservative side of politics and feed the money into the left side of politics so they can run all the advertising campaign and be flush with funds. That is actually misleading, isn't it, Senator O'Sullivan. It was $98,587,326.11—I remember the 11 cents. I might have figures wrong from memory.

We talk about influence in this place. Let's ask the question: are the Labor Party influenced by the trade union movement? It is a pretty simple question. I would say the answer is, 'Very much so,' because, when I look at the 25 Labor senators, I think Senator Dastyari, who was from the head office of New South Wales Labor, might not have worked for a union, but I do not think I can find any others. Are there any others? Hands up any others over that side who have not worked for a trade union. I would bet you to London to a brick that at least 20 of the 25 Labor senators come from union backgrounds. I think that would be a pretty safe bet with pretty big odds on that.

The organisations that we are talking about are the property developers, the tobacco industry, the liquor industry, the gambling industry, mineral resources and mining industry businesses. This is amazing: the mineral resources or mining industry have been stamped out from donating to the coalition, but the workers in the CFMEU in the mineral industry and the property developing industry and the building industry can donate to the Labor Party and perhaps to the Greens as well. This sounds a little unfair to me. These organisations employee hundreds of thousands of Australians who contribute billions of dollars in tax each year. That amount may have been reduced, sadly, from the crash in the iron ore price and, of course, the coal price. It is very pleasing to see that as a result of those prices there has been a great surge in agriculture prices. Our second to biggest export is now agriculture. It has taken over from coal in value—and it is an ongoing, sustainable industry.

Like anybody, these groups and the individuals working for these groups are not immune from public scrutiny or criticism, but they should not be shut out from the public debate. Interestingly, the bill goes to extreme lengths, suggesting that if an individual commits an offence—this is very important, Mr Acting Deputy President; you listen to this—they could be subject to a penalty of two years imprisonment in proposed section 314AL. I will give you an example, and this is scary stuff. An employee from the local Dan Murphy's grog shop pays $100 to go to a political fundraising event for his cousin, who is a candidate, and all of a sudden he is off to jail for two years because he works for Dan Murphy's. Give us a break. His cousin is running for the Liberal Party or the National Party as a candidate somewhere. He is just working in Dan Murphy's or the local Liquorland or whatever. He goes along to a $100 dinner—he is only getting a sausage and a couple of drinks; it is a pretty good, profitable night, because the profit is there to help fund the campaign—and he gets two years jail. I cannot go along with that. A fly-in fly-out miner who works for BHP could also potentially be jailed as a prohibited donor. If a worker for BHP or Rio or whoever you want to name goes to a fundraising function—a barbecue or a night at the pub in a country town—they could get two years jail if this bill goes through. Freedom of speech is important, but no-
one should be jailed for wanting to contribute to this political process. That is why I could never support this bill.

Let me just quote a few things. I mentioned the CFMEU. During question time we had questions to Minister Cash about the abuse and domestic violence of women. I thought of the CFMEU and some of the questions that have been put to Minister Cash in this place and some of the disgraceful answers and the facts of what they have done. CFMEU members were being milked by their own union, according to the royal commission into trade union governance and corruption. There was an absence of proper disclosure around several welfare funds set up for its members. A media report has said:

"There is a real problem with this," said Justice John Dyson Heydon in his interim report to Parliament. And vast sums remain unaccounted for.

It goes on to say:

The royal commission raised questions about the union's workers' redundancy fund, a welfare fund and a training fund. "The CFMEU receives many millions of dollars as a result of arrangements with these entities," …

Here is the problem. Say I was running this country and everything I said for just one day happened. If I cut off the sources of funding for the Australian Labor Party and you could not raise any money and we went to an election, yet on the side I am on we had money, the balance would simply not be there. You would be going in to fight a battle and on this side we would have plenty of weapons and bullets and rifles and on that side they would be unarmed. That is what this bill would do, because it would take the funding off this side of the parliament and leave that $100 million—or just short of it, Senator O'Sullivan, for the last 21 years—flowing into the coffers of those opposite to fund their campaign. That would be simply unfair.

Let me quote someone else while in this debate: Martin Ferguson, the former Labor minister and President of the Australian Council of Trade Unions, the ACTU. I think he was a very level-headed person. When he was in the other place he was deeply respected by those all around the chamber. He was a man of good ideas and balanced opinions. He has attacked the level of union influence in the Labor Party, saying that too many opposition MPs 'wait for the phone call from the trade union heavy to tell them what to do'. That is probably a pretty good point, because you are at the beck and call of the trade unions. Mr Ferguson said that opposition leader Bill Shorten did not have the power to curb union influence in the Labor caucus without the backing of the shadow ministry. 'But at the moment I don't think that's possible,' Mr Ferguson told Four Corners, 'because too many of that shadow ministry and the caucus are almost as if they are prisoners of the union movement'.

Most Labor senators in this place worked in the union movement. They got their ticket into this place; they got their funding from it. Mr Ferguson went on to say, 'It's almost as if they sit down now and divide the cake—you get that seat, we get that seat, Left and Right together, and they dole out the prizes to their faithful.' Mr Ferguson's attack came as the ACTU and other unions moved to shut down the trade union royal commission after it was revealed that Commissioner Dyson Heydon had accepted an invitation to speak at a Liberal Party fundraiser. They wanted to shut it down, yet the royal commission revealed so many facts and so much evidence which many in this place would not like to hear.
I think it is so unfair that this bill cuts off the funding to one side of politics and keeps it pouring in to the other side. As I said when I started, there is an old saying in politics: no money, no mission. To run a campaign is hugely expensive. If you do not believe me, have a look at America at the moment. I wonder what they are spending on the campaign over there—billions. Thankfully, we do not spend that much in Australia. This bill seeks to scrub out donations from property developers, the tobacco industry and liquor businesses—that would be all the clubs. Senator Rhiannon referred to the clubs.

I have been to many clubs in country New South Wales and in other states as well. They do a magnificent job in our community. I live in Inverell, where I am very proud of the local Returned Services Memorial Club, which is a tremendous facility with a lovely motel on site which was built in recent years. That club donates so much in support to the community. It is not just a club. Yes, they do have poker machines. Believe it or not, they do sell alcohol, and they have meals. It is a place to hold functions, even political functions—we often hire the venue if they are going to have a big crowd. We do that many times a year.

I come back to the mineral resources and mining industries. This bill says, 'Don't let them donate.' I will repeat what I said earlier. You would have a situation where BHP would not be able to come to a National Party function—it would just be scrubbed out. If you were to run an expensive function, BHP could not attend. When workers, who could be members of the CFMEU, pay their union fees and perhaps donate some money, that ends up on the other side of the chamber to finance their campaign. But a business in the mining industry could not choose to donate to our side of politics.

I think this bill will just go nowhere, with respect. In relation to the alcohol industry, say someone works at a club and goes to a National Party function. One of the employees of the Inverell RSM Club might come to a function I were to hold in a few weeks time. Under this law, they could be jailed for two years because they showed up to support us and, as a result, they got up to two years jail. Give us a break! To me, jails are for people who have committed serious crimes, like those pushing drugs. The drug ice is a scourge not only in the big cities and the big towns but in small country towns, small communities—even in the shearing shed. People who push ice threaten the lives of Australians. It must be a terribly addictive drug. It is a scourge on our society, and we need to get it under control. I would rather see those people in jail for what they are doing—not someone who came along to a National Party function not realising that they would be covered by this law because they worked at the club or the pub or at the local betting shop or for one of the big mining companies, or even the small mining companies.

We have the sapphire industry in Inverell. It is not as big an industry as it used to be. That is why the town is called the sapphire city. Someone who is making an honest living digging up sapphires alongside Frazer Creek and exporting them to Thailand is part of the mining industry. If they came along to a function I held at the local Royal Hotel, they would get two years jail? I cannot agree with that. That is simply wrong. That is not being a criminal. That is
not tipping our nation upside down with crime, hurting others. They might have come along because I have known them for a long time. I might have helped them out with a problem they may have had with a landowner they may have had a disagreement with. I might have written them a letter of referral and praise and given them a reference for what they have done. To think that we would lock them up for two years—I simply cannot agree with that.

This is so out of balance. Where is the trade union movement? In the last 21 years, $100 million has flowed to the other side of the parliament, but not to this side. It is like a mob of sheep—cut the water off on this side and let them die of thirst while we feed all the water to the other side and they thrive. That is simply unfair.

Perhaps we need to look at New South Wales. I will be frank: there has been a big clean-up there, and certainly some have done the wrong thing. Perhaps we need to look at their system. But it is a burden on the taxpayer when more public funding is required for parties to run their organisations et cetera. Perhaps that is something we may need to look at in the New South Wales system, where you virtually cannot make a donation of more than $1,000 whether you are a company or whatever. It is something to keep in mind for the future.

Senator LUDWIG (Queensland) (16:37): I rise to contribute to this debate on the Commonwealth Electoral Amendment (Donations Reform) Bill 2014. I have had an opportunity to have a look at the various High Court issues that might surround this debate, particularly McCloy & Ors v State of New South Wales & Anor. Before I come to that I want to ensure that what the Greens were doing is clear to everyone, because ultimately I find that the answer the Greens have to everything is to ban it. This is from a party that generally promotes freedom of expression and generally promotes the opportunity to participate in a range of activities that are already banned. Nonetheless, their general focus in this area is that they want to strengthen the integrity and accountability framework underpinning Australia’s electoral system by effectively banning a whole group from that.

The group is quite broad. Specifically, amendments are proposed to ban donations from property developers and tobacco industry business entities—as an aside, Labor does not accept donations from the tobacco industry, and we complain that the coalition should follow the same line. It also encompasses liquor business entities, gambling industry business entities, general resources or—not and/or, so I think there might be a bit of a loose provision there—mining industry business entities, and industry representative organisations whose majority members are those listed above. The difficulty is not that I do not think the sentiment might be correct that we should do something to ensure that we have a strengthened integrity and accountability framework underpinning Australia’s electoral system. I think we can all agree with that motherhood statement. We could all then look at how we can put a proper process in place to achieve that.

I do not think this achieves that in any way, shape or form. What it will achieve is significant litigation around how broad these terms are, how narrow these terms are, who is in and who is out, what is an industry representative organisation whose majority members, however you might decide what a majority is, are of the above type within that definition—such as property developers, tobacco industry entities, liquor business entities, gambling or mineral resources entities.

What we now have is an effective ban on practically everybody you could possibly think of who might be donating to various political parties, probably including the Greens. I suspect
that was their import, because they also I suspect get donations from a range of sources to meet their political causes. It says that these amendments will improve the electoral system. I think it will bog it down in insignificant High Court actions.

The reliance on this by the Greens is quite stunning. It relies on a very peculiar case in New South Wales that is well documented. It is one that I suspect most people who follow this area will be familiar with; it is McCloy & Ors v State of New South Wales & Anor. In that provision, it is one that I think turns on the peculiar facts of the industry and what was happening in New South Wales, and the role that property developers played. It did not take very much for the High Court—although it was not a majority—to conclude that there was a need to, what I would say, contain free speech in the way of supporting the amendment to ban property developer donations.

Ostensibly, the way we have pursued this from the Labor perspective is transparency around political donations themselves. I will come back to this in a little bit more detail, because it is worth examining that part. But I want to come more to the base issues that Senator Rhiannon and the Greens are arguing. If they were adamant and serious about reforming political donations, then they had a really good opportunity to do that. They could have forced the government to include it as part of the bill that was introduced yesterday to kneecap our electoral system—if they were serious. If they wanted to pick up this part then they would have done a deal with the coalition for Senate reform and included this within it.

Senator Di Natale: Like the one we did with you.

Senator LUDWIG: What we have is the Greens, from the sidelines, who have a shambolic way of managing the issue. So the Greens in this instance strike a dirty deal with the Liberals to amend the Commonwealth Electoral Act in relation to Senate voting, but not to include political donations. There was an obvious opportunity to grasp that nettle and do the reform that you wanted to do. Whether I agree with it or not, mine is simply a process issue. The only one of the Greens who is all over the shop like a dropped pie is Senator Di Natale. That is obvious from the way they have tried desperately to regain the momentum the Greens once had. Bob Brown would never have signed up to Senate reform in this place in the way that the Greens have.

Senator Di Natale: It is his bill.

Senator LUDWIG: Bob Brown never would have done it. He never would have done a deal with the coalition in this way. Bob Brown was true to his principles. Coming back to the issue, because I got distracted by the interjections from the Greens—no wonder they are interjecting—it is bizarre that they have not included more comprehensive reforms if they are so serious about this issue. We know that the Greens under Senator Di Natale's leadership are not particularly good at negotiation. You only have to look at the free pass the Greens gave the government on multinational tax avoidance, where more than 600 companies escaped scrutiny by companies not being required to disclose information. That is the way they could have assisted that debate. What did they get out of the dirty deal with the government? They say nothing but if that is the case it is surprising at the least.

Labor has a longstanding policy position on this, including our current platform commitments, which state among other provisions that Labor encourages public debate about reform of our electoral laws, including enrolment and electoral participation. We also looked
at how we could introduce a new scheme to regulate political financing, including donations, other revenue expenditure and recordkeeping, and legislation to require public disclosure of political donations over $1,000. If you want transparency in your political system, then ensure that you have public disclosure rather than blanket bans on such a broad and unidentified group such as what this bill tries to achieve. I would have thought one of the divining principles of the Greens was transparency, and there is also accountability and I would have thought freedom of speech. This bill would trample across freedom of political communication, not with the little elephant feet that the Greens might have but with a D9—it would bulldoze the provision.

We hear from the Greens that the High Court decision justifies them doing all of this in some way. I would like to have heard a properly reasoned argument for how you translate the High Court case of McCloy & Ors v State of New South Wales, in respect of property developers, into this broad and undefined group that we now have in this bill. I would like to have heard that argument but I did not get the opportunity to hear it at all. It seems that somehow we can start off with a little bit here and broaden it out as wide as we want without any fetter. But there is a fetter, which I will come to in a moment. The Labor Party brought forward a bill for comprehensive donations reform in 2009 which was opposed by the coalition. I am surprised the Greens want to talk about electoral reform in a week when they have voted with the government over a dozen times to prevent proper consideration and debate on the most significant electoral reforms in 30 years, including voting against referrals for committees of inquiry.

I am now, like Mr Abbott, flabbergasted—I will not talk about subs—because the deal that the Greens have now done with the coalition is breathtaking in its hypocrisy. This is a party that has prided itself on ensuring that there is proper process in this place. As Manager of Government Business in the Senate, many a time I asked former Senator Bob Brown to expedite passage and do things that I needed done, but he wanted to ensure always that there was a proper principled approach to anything he did. Former Senator Brown used to always refer to us major parties as the grand old parties, in a very derogatory and sometimes demeaning way. I accept that that is criticism we sometimes get, but the Greens kept themselves pure from that argument. They said they would only address matters on principle. What we now have I think are the new Greens—the old Greens are dead and gone. The new Greens are prepared to creep to the centre and the centre left and be the new democrats—so perhaps it is in the position of green democrats that they now sit. It is a party that is willing to sacrifice its principles and sacrifice procedure in this place, sacrifice true process, to achieve a political end that benefits them. That is what they are now doing. It is clear and very simple.

This new bill that they are bringing in is no better. It seeks to wipe out a broad area which is not even taking into account what they stand for. They stand for freedom of political communication, I suspect, but the new Greens do not any more. The new Greens say the way forward is to ban things, to ensure that you do not get freedom of political communication. They want to ensure that you have Senate reform which excludes 3.3 million people from participating in our electoral system. The new Greens stand for regulation, bans and anything else that ensures we put a fetter on our political system. That is what the new Greens stand for. It is quite stunning.
Already the Greens have lined up with the coalition—they are starting to look very comfortable sitting over there with them—to ensure there is no scrutiny, there is no proper process, and they bleat that because of a JSCEM report they have the right to fast track the most major change in our electoral system in 30 years.

They are a non sequitur when it comes to that. It does not and cannot follow that a report gives you that ability at the end of the day without proper process. If that were the case, there are many reports that are gathering dust in the Senate library which we could take, pick up, throw across and drop on the table and say, 'We all need to vote for that now.' We do not see that, but we have seen it on this occasion. They seek to justify it, but I have not seen a fair justification, quite frankly. But they do think that you can shortcut the proper scrutiny of legislation. The only party that was doing that up to now was the coalition. They did it with Work Choices and they did it with the Telstra one-day hearing. They have done it all the time.

The new Greens have now joined that ability to cut the scrutiny off at the knees. I say 'the new Greens' because I think it is a bit rich that they come into the chamber now proposing political donations reform when they could have made this part of their dirty deal with the government on Senate voting reform. Apparently, they did not even secure a written agreement from the government, as Senator Cormann's response to the Senate's order for the production of documents relating to the agreement between the Greens and the government indicated. I am flabbergasted that they insist on documents with Labor, but with the coalition—their buddy, their chums—they do not need one. They will rely on the coalition's goodwill to ensure they will get an outcome. I would have thought that is particularly naive of the new Greens. But, never mind, it is their agreement.

If the Greens were serious about political donations reform, they would include the elements contained in this bill, as amended, in the Commonwealth Electoral Amendment Bill, and they would ensure that it had proper process, it went through a proper committee system and you had significant submitters that could have sufficient time to provide advice and interest to the legislation. You would also ensure that you went to various parts of Australia to make sure the Australian people understood what was going to occur and how our system was going to change and had an opportunity to ask questions and ventilate the issue more fully. But they did not. The new Greens cut that off, just like this bill that is before us today. It was given a very broadbrush approach. Ban it, because that is the simplest and easiest way forward.

Labor has already circulated amendments that address key matters relating to political donations reform, including reducing the donations disclosure threshold from $13,000 to $1,000, banning foreign political donations, banning anonymous donations above $50 to registered political parties and limiting donation splitting that evades disclosure requirements. Because they only have an unwritten agreement with the coalition, I would encourage the Greens to amend it to include some of these serious issues and give sufficient time for them to be explored to make that we get appropriate amendments to the legislation.

I wanted to come back to Senator Rhiannon's broad approach that the legislation banning property developers in New South Wales somehow allows this bill some semblance of fairness. The difficulty there is that there was very good reason and clear evidence to ban property developers in New South Wales.

*Senator Rhiannon interjecting—*
Senator LUDWIG: The High Court found on that evidence that they could do that because it is a proportionate response. There is a two-step test in Lang, which they relied on. I do not have the time to go through it but, if Senator Rhiannon is encouraging me to read the legislation, I would also encourage her to read Lang and understand how you cannot put a burden on the freedom of political communication. This bill will do just that. Whether or not you agree with the principles contained within it, what you would want to ensure is that you have a bill that actually would survive a High Court challenge. The way this bill is currently drafted, as broad and as wide as it is, would not at all. The way that Senator Rhiannon is mischievously arguing—that, because you can ban political donations in New South Wales, it follows that you can then ban just about everybody you can think of—is wrong. (Time expired)

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:57): In regard to the Commonwealth Electoral Amendment (Donations Reform) Bill 2014, let me begin by saying that I think Australia's democracy is pretty crook at the moment. It is getting harder to tackle big public issues like climate change, the growing inequality between the haves and have-nots, unfair tax breaks that contribute to that inequality, the reform of the health system and all of those things each day thanks to those huge corporate donations that come from the incredibly wealthy part of our community who pay lobbyists to influence government policy. That is a cancer at the heart of our democracy right now. I believe that those vested interests represent a very serious threat to good governments and the development of public policy that is in the national interest. At the heart of the problem is one simple fact, one simple proposition: corporations do not give their money away without expecting something in return. It is common sense. They companies; they are bound by law to make sure that they pursue profits. They do it for one simple reason. It is the clear expectation that they will get something back in return. They will get access to politicians and they will be able to influence those politicians to make laws and policies to ensure that those laws and policies provide them with a return on that investment. It is a pretty straightforward proposition. These are wealthy companies who do not give their money away unless they get something for it.

I had a baptism of fire when I was first elected here in 2010. I was elected at the time of the hung parliament and I witnessed this writ large when the minority government, the then Labor government, was forced to commit to poker machine reform, thanks to the election of an independent, Andrew Wilkie. Now, you would think that would be a no-brainer: public policy, 70 per cent support, ripping money out of the pockets of vulnerable people across community and widespread appetite to reform what was a really regressive tax. Because governments do not have the courage to tax people explicitly, they do it to the back door in the way of things like revenue collected from poker machine profits.

What we saw in response to that was remarkable. I remember being here watching the pokies lobby walk up and down the corridors, knocking on doors and making sure they got in the ear of every single politician in the building, particularly Labor politicians. The consequence of that—those threats in marginal seats to campaign there and also to withdraw their financial support—was that Labor went to water. In fact, they got themselves so tied up in knots that they managed to convince Peter Slipper to defect to become the speaker, shoring up an extra number and dudging the agreement they had made to reform poker machines to try to introduce a little bit more fairness into the way that we collect revenue across this
country. We saw the corrosive influence of those vested interests and the huge donations that they bring.

We saw the same thing with the mining tax. Again, it was an industry that donates huge money to the Labor, Liberal and National parties. There was $3.7 million tipped into their pockets over the past three years, and that is without including donations that are made at the state level. It is huge money, buying influence and favourable policy settings for what is effectively a dying industry. What do they get for it? They get a hell of a lot. They get cheap fuel, they get accelerated depreciation on the assets, they get all sorts of tax breaks and sometimes they just get pain, outright cash handouts. If you add it up, it is worth about $14 billion over four years. Imagine what that could do in terms of spending across health and education.

There are many other examples. We had *Four Corners* last year reveal the case of a mafia figure who may have played a role there in helping to secure a visa for himself with the then immigration minister. We had a man there, with a criminal history in Italy, who was about to be deported. He made a huge donation, got a hearing and ultimately was allowed to stay. We had Geoffrey Watson SC say in response:

> This is a case study of what's wrong with the system. It's seriously wrong.

The point is that for no better reason than the making of donations to a political party, specific representations were able to be put amongst the most powerful politicians in the land - access which you and I couldn't get except if we made substantial donations ourselves.

It is another example of what is wrong with the system. We have got public confidence at an all-time low. We have seen the revelations in New South Wales uncovered as a result of ICAC, for example.

Our democracy is sick. It is based on the principle of 'one vote, one value' but it is now big money that talks. That is why we need this bill; that is why we need it. The bill amends the Commonwealth Electoral Act to make sure that donations from certain industries are prohibited: from property developers and from the tobacco industry. How remarkable is it that we are having a debate about the tobacco industry and donations right now. The National Party is continuing to get donations from an industry that kills people. It also includes the liquor businesses, gambling industry and, as I said, the mining industry and related business entities.

I want to congratulate my colleague, Senator Lee Rhiannon, because she has introduced legislation and she has had a longstanding commitment to these and many other important democratic reforms. She spearheaded the Democracy for Sale website. We had access to information about donations as far back as 1981; but it is with the establishment of that site that the public could get access to information on the quantity of money that is coming from particular donors in particular categories such as property developers, the finance sector, clubs and hotels and so on. It has been invaluable tool to inject some transparency so that the journalists, community groups and concerned individuals can highlight the impact that those political donations are having.

We Greens have been leaders in this space. It is interesting to look at where the other parties stand. I was fascinated to read a quote from Malcolm Turnbull, then freshly elected to the national parliament, from 2009. He at the time was quoted as saying:
… no political donations should be allowed unless they are: from citizens and/or persons on the electoral roll … subject to a cap; and donors should certify that the donation is either their own or their spouse’s money and has not been given to them by a third party.

What a great idea. What a terrific idea. You are the Prime Minister of the country, how about doing something about it?

Let me refer to the recent contribution from the Labor Party. What we saw was a commitment to political donations, which was signed in a written agreement with the Labor Party in 2010. Let me quote to you the passage from the agreement around donations. The passage is that they:

Seek immediate reform of funding of political parties and election campaigns by legislating to lower the donation disclosure threshold from an indexed $11,500 to $1,000; to prevent donation splitting between different branches of political parties; to ban foreign donations; to ban anonymous donations over $50 …

That was an agreement reached between the Labor Party and ourselves. Terrific! But what came of it? We asked the Labor Party to act. We had the numbers in both Houses of Parliament and we had a written agreement. What happened to that piece of legislation? It sat on the notice paper here in the Senate and the Labor Party refused to bring it on for discussion, let alone a vote. And they now have the hide to lecture us about their position in support of those sensible recommendations. When they had the opportunity to reform the system, they walked away from it.

We have introduced another bill that encompasses the terms of that agreement, and we look forward to the Labor Party supporting that legislation when it comes before this parliament. We also believe in tightening the rules by including a commissioner of lobbying: an independent body similar to the one in Canada, which is a country far ahead of us in terms of transparency when it comes to political donations. That body would have an audit and investigative power, and it would be able to impose a five-year ban on ex-ministers working as lobbyists.

We have a revolving door in this parliament between politicians, industry and lobbyists. The revolving door is fuelled by money, power and contacts. What we need to do here is ensure that the revolving door between politicians, mining, property, gambling and industry money is slammed shut. We have to make sure that we support this bill in order to do that.

Senator Cameron (New South Wales) (17:07): If, as Senator Ludwig said, this is the new Greens, there is not much new. And if this is the new dynamic leadership of the Greens, well, I do not think there is going to be much dynamism from the Greens.

The Greens have brought this bill forward—the Commonwealth Electoral Amendment (Donations Reform) Bill 2014—because they were so embarrassed by the dirty deal that Senator Di Natale brokered with the coalition on electoral reform. They failed to deal with the issue of electoral reform. If anyone had an opportunity to deal with the issue of donations, they had an opportunity to actually get something out of it when this dirty deal was brokered. What did the Greens do? They rolled over, they had their tummies tickled by the coalition and they did not even mention electoral reform in the negotiations that were changing the voting system in this country. What a pathetic, weak performance by the Greens.

I notice that Senator Rhiannon led this off for the Greens. Senator Rhiannon, to her credit, has been consistently arguing this position, as has the Labor Party, for many years. Senator
Rhiannon wrote an opinion piece on this issue. Unfortunately, Senator Rhiannon was not prepared to put her name to the opinion piece. She wrote it under a nom de plume. When it was discovered that she had written this opinion piece, she was monstered by the Greens leadership and had to give a public apology.

So I will not be lectured by the Greens on these issues. The Greens have a lot to answer for in respect of their lack of backbone, their lack of commitment and their lack of political understanding that when the government wants something, when the government needs something, when you negotiate with them you have an opportunity to extract some concessions. But did the Greens extract any concessions? No, they did not extract any concessions. They simply looked to see whether they could have some political advantage, and that political advantage was to make sure that when they become what Senator Di Natale wants, a mainstream party, people who have different views from the third mainstream party would never be able to form an effective electoral base. That is because the laws the Greens will have implemented mean that small groups, progressive groups in this country, will never be able to do what former Senator Bob Brown, the former leader of the Greens, did—that is, form an effective political party and get into the Senate to be able to form a base for a future political party. The Greens have slammed the door shut on that, along with the coalition.

Let's be clear: I do not agree with Senator Ludwig's description of the new Greens. I do not know that Senator Ludwig is saying that they are new. In my view, they are the pale Greens. They really are pale. Some of the Greens' supporters who I have known for years are certainly saying to me that they are extremely disappointed with the Greens, because to become a mainstream party, as Senator Di Natale wants, means that some of their progressive policies will obviously fall by the wayside. They will do more dirty deals with the coalition. One of the dirty deals I am concerned about is on penalty rates. If anyone is concerned about what the policies of the Greens are, have a look at Senator Whish-Wilson's public statements on penalty rates, where he has argued that there needs to be an assessment of penalty rates.

This is the Greens—the Greens arguing that they could actually increase their base if they can get small business to support them. The quid pro quo for small business supporting the Greens was certainly pushed out there by Senator Di Natale—that is, the destruction of penalty rates for workers in small businesses around this country. That was never my understanding of the Greens. That was never my understanding of their policies that supposedly look after workers. So this is a big issue in terms of the Greens. They are, in my view, the pale Greens. That red centre is being carved out. The red centre is gone. We know it is causing division within the Greens—that is, the Greens parliamentary party. We know it is causing division amongst their supporters. We know in some recent polls when Greens' supporters have been asked about this they have said overwhelmingly, 'We don't want to do these types of deals.'

The Greens are turning into the pale Greens. The Greens are turning into an imitation of the Australian Democrats. You watch where they go on key issues in the future. They will simply be a pale imitation of what the Greens said they stood for, and they will become more like the Australian Democrats.

I notice it in this bill, the embarrassment bill—that is what this is. This is the embarrassment bill. They were so embarrassed when it was exposed that they had caved in on
electoral reform without dealing with this donation issue that they had to bring this forward. So the embarrassment bill is before the Senate today. As Senator Ludwig said—

Senator Waters: Mr Acting Deputy President, I raise a point of order. I believe the bill that the senator is referring to was actually introduced in 2014, so perhaps he might want to reflect on the fact that that was more than two years ago.

The ACTING DEPUTY PRESIDENT (Senator Edwards): That is not a point of order.

Senator CAMERON: Again this shows the embarrassment that the Greens have about their total failure to deal with any political astuteness in their negotiations and their dirty deal with the coalition. I heard Senator Rhiannon earlier and Senator Di Natale talking about better government. Better government is if you can actually provide services to the Australian public, and you can provide a better society, a good society and better services to the Australian public if you tax multinational companies and large corporations effectively. But what was the last dirty deal that was done by the Greens? Again, they go in and so-called negotiate, but they walk into the government's chambers, they sit down, and they get cowed into submission. They were cowed into submission on—

Senator Simms interjecting—

Senator CAMERON: The reinforcements have arrived. The volume will turn up. The Greens have called for reinforcements because Senator Cameron is on his feet carving them up for their lack of backbone, their lack of commitment, their lack of political astuteness. That is what is happening at the moment, so the reinforcements have been called in, and the volume will increase.

So what was the last dirty deal that the Greens did? Six hundred companies with a turnover of under $100 million have no need to report effectively in relation to their tax. What a dirty, rotten deal that was. And what did the Greens get in return for it? Absolutely zilch.

I am worried that the Greens have moved so far away from the watermelon Greens that have been described—green on the outside; red on the inside—that they will do a deal that will mean it will be more difficult for Australian workers to protect their penalty rates and protect their conditions. Senator Whish-Wilson has belled the cat on the Greens' position on penalty rates. He thinks there should be more flexibility. He does not think that workers who work on weekends should have penalty rates. He is out there publicly giving speeches in relation to that.

If there is one thing that workers need, it is their penalty rates. They need their penalty rates to pay their bills and look after their families. I think it is outrageous that Senator Whish-Wilson—especially a senator from Tasmania, where workers are surviving on their minimum rates, on their award rates, plus their penalty rates—a Greens senator, would be out there advocating for the destruction of penalty rates for Australian workers. How crazy it is.

On multinational taxation and on electoral reform the Greens were in a position to negotiate an effective quid pro quo for what they were looking at, and they failed abysmally. I just do not think that their leader, Senator Di Natale, or their leadership team who go and negotiate these things have the capacity to do this stuff effectively.

They say they do not want property developers; they do not want tobacco companies, and we agree; they do not want liquor companies; they do not want gambling companies; they do not want mineral resource companies; and they do not want industry representative
organisations to be able to make donations. But there is no ban on multimillionaire internet entrepreneurs—no ban there.

**Senator O'Sullivan:** They forgot that one!

**Senator CAMERON:** They forgot to put that in. The biggest single donation ever to a political party in this country came from a Mr Graeme Wood, a multimillionaire internet entrepreneur worth $372 million. He gave the Greens $1.6 million. And do we hear any more bleating from the Greens about private business handing over donations? No, because they, the Greens, hold the record for the biggest single donation ever from a businessperson in this country. They also have run even better because they have got even more than the Liberals did in 2004, when Lord Michael Ashcroft—Lord Michael Ashcroft! You have to give it to the Liberal Party; when they get a donation, they get it from a lord!

**Senator O'Sullivan:** They do it in style.

**Senator CAMERON:** They do it with style. Lord Michael Ashcroft gave a million dollars in 2004 to the Liberal Party. A foreign resident chipped in a million dollars to the Liberal Party.

These are issues that just beggar belief. This pale green political party, the pale Greens of the Senate, are out there in absolute, abject embarrassment, putting up this bill because they did not have the bottle, they did not have the guts, they did not have the capacity, to deliver on this when they were negotiating in their own interests to lock other progressive political parties out of the Senate. They did not have the guts or the capacity to force changes to political donations.

I want to come back again to why it is so important to change this political donation issue. I have said on a number of occasions that in New South Wales you have got a multimillionaire property developer in Newcastle rolling up in a Bentley, opening the door so a Liberal Party MP can jump in, and handing over a brown paper bag with $10,000 in $100 notes in it to the Liberal Party MP in Newcastle. That is what is happening with the Liberals. There are trust funds established all over the country by the Liberals. There are what are called associated entities from the Liberals all over the country. These associated entities are funneling money anonymously into the Liberal Party. We have heard much about the money that has been donated from the trade union movement to the Labor Party.

**Senator O'Sullivan:** Indeed.

**Senator CAMERON:** We say that is fine. If there is money donated from the union movement to the Labor Party, we say that is fine because it is public, it is clear where the money is coming from and the public can make a call on that.

**Senator O'Sullivan:** Criminal activity.

**Senator CAMERON:** Here we go. Senator O'Sullivan says that it is criminal activity. Senator O'Sullivan, the Australian trade union movement have been the bulwark for workers' living standards in this country. The National Party should actually be thanking the trade union movement in this country for getting decent wages and decent conditions for rural and regional workers all over Australia. Without the trade union movement there would not be penalty rates in rural and regional Australia. Without the trade union movement and the Labor Party there would not be annual leave loading and there would not be superannuation for workers—and the Liberals have opposed every move to try to give workers a decent
retirement. There would not be small businesses that could survive in rural and regional Australia if penalty rates disappear. We know the arguments the Liberal Party put up on penalty rates. We know that they are out there saying that there should be more flexibility and that penalty rates should go. You can interject all you like, but I challenge the Liberal-National Party to go into rural and regional Australia and tell them the truth of your position—that you want to get rid of penalty rates, that you want workers' living standards to decline and that you want more profits for the people who are putting their hands in their pocket and donating to the Liberal Party and the National Party.

That reminds me that Senator O'Sullivan was a trustee or a director of a company called Altum Pty Ltd. It received massive donations from other nominee companies. There is money getting fed in all over the place. This is a property trust linked to the Liberal and National parties that received $430,000 in rent from Walton Construction when that company went bust, leaving small businesses all over Queensland with no money. It left small companies bankrupt everywhere. In 2009-10 the rent for this company was $105,994 from Walton. In 2010-11 it jumped to $353,000. In 2011-12 it went to $516,966. In 2012-13, when this company was starting to go broke, they still got $431,000. This is the sort of nonsense that is going on with the National Party.

You hear Senator O'Sullivan on his feet railing against the union movement and railing against union donations to the Labor Party, but he has got a lot to answer in relation to Altum Pty Ltd, a Liberal Party front that was taking money off a company that was going bust, a company that was not paying its workers and a company that left millions of dollars of devastation around this country. Senator O'Sullivan was then with Altum Pty Ltd. Transparency is needed. The National Party and the Liberal Party need to be transparent about where their money is because Labor are.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (17:28): I rise to speak on the Commonwealth Electoral Amendment (Donations Reform) Bill 2014, a Greens bill of which we are very proud and which, sadly, is desperately needed in this place. My counterpart Senator Lee Rhiannon, who introduced this bill, and our leader, Richard Di Natale, have already spoken on this bill this afternoon. This bill would ban donations from particular corporate sectors that, sadly, have a really sordid history in having unfair influence on decisions made in parliaments just like this one. The bill would preclude donations from mining companies, which I want to focus on tonight. It would also preclude donations from property developers, the tobacco industry—an industry that kills its own clients—and the alcohol and gambling industries.

I want to talk a little bit in particular about the influence of mining companies on decision making. I draw the conclusion that that is in large part because of the enormous donations that big mining and gas companies make to, sadly, both big parties—and I include the Nationals in with the Liberals in that respect. In fact, according to the Australian Electoral Commission, over the last three years there has been a total of $3.7 million given to the Liberals, the Nationals and the Labor Party from fossil fuel companies. There was $1.1 million given to the Labor Party, there was $2.3 million given to the Liberals and there was $200,000 given to the National Party. That is only the federal political parties; it does not include money that was also given to each of those parties at the state level or—who knows?—even at the local level. It is certainly a very rich contribution over such a short period of time.
It has often plagued and bemused me—as an environmental lawyer who has stood with communities trying to protect land, water and the climate from the ravages of coalmining, coal seam gas, unconventional gas and other fossil fuel sectors—as to why we have never seen a refusal of a coalmine, coal seam gas or unconventional gas application at the federal level. I know that our environmental laws are, sadly, far too weak. They do not protect the environment. They do not give communities enough of a say in protecting their local patch or the world's climate. But there had to be something else going on for such consistently poor decisions to be taken by decision makers. So that is why it is so alarming when you see the reality of the amount of these donations that are made.

That is why, of course, we have taken the step of saying we have to clean up our democracy. We need to take away the influence—the corrupting influence—of this big money from industries who then seek permission, approvals and favours from whichever side of politics is forming government at the time. They do not discriminate; they give money to the lot of them. So, in addition to looking at the sectors that are making those contributions, we have this week—in fact, today, I believe—introduced a secondary bill which again has long been our policy and which talks about increasing the disclosure of those donations, because that is a related point. You often do not find out until many, many months later that—wow!—just before an election so-and-so company gave a big wad of dough to so-and-so party and—gee whiz!—after the election they got an approval.

Senator Bilyk: Graeme Wood.

Senator O'Sullivan: Graeme Wood.

Senator WATERS: I will take that interjection, because I will cite some examples soon. It goes to the point about disclosure. Often people do not find out about this dirty money until many months after, yet we have other jurisdictions where there is continuous disclosure being brought in and where the threshold for disclosure, when political parties have to tell the public how much they have received, is so much lower. So I am really proud that my colleague Senator Lee Rhiannon has today introduced a second bill in this donation space which says that the donations disclosure threshold should be lowered back down to $1,000. It was at that level for quite a while. Correct me if am wrong: I think it was the Howard government that lifted it up to above $10,000; it was eleven thousand and mumble, and that has increased over the years. We want to lower that back down to $1,000. Donors need to be honest with members of the public and, importantly, political parties need to be honest with members of the public about where they are getting their money from. That bill would also require continuous disclosure so we avoid that problem of huge pre-election donations and then a lack of disclosure until many months after it is relevant for voters at the ballot box, and it would also look at banning overseas donations and putting a cap on anonymous donations.

Importantly, it would prevent donation splitting, because this is a further problem that we see. We know the figures for the donations to federal political parties. I listed those before: $1½ million to the Labor Party, $2.3 million to the Liberal Party and $200,000 to the Nationals from fossil fuel companies alone. We know that they are just to those federal parties. It does not include money that has been given to the state parties, and it does not include money that has been given to branches of those parties, which can be called donation splitting—lots of little donations just to get in under the disclosure threshold so that the donor
does not have to identify that they have given money and the party receiving the money does not have to fess up to the public.

So these two bills, taken together, would really help clean up our democracy and it would help arm members of the public with the information that they need to know who is holding the decision makers hostage. It might explain why we have never seen a coalmine or a coal seam gas well rejected at the federal level under a government of either side.

One wonders what the fossil fuel sector in particular gets out of this arrangement, because I noticed that on the radio a couple of weeks ago the head of the Queensland Resources Council was, ironically, crying poor and saying that he and his industry needed even further public subsidy. They can still afford to make enormous donations, so I do not know how they can simultaneously be wealthy and broke, but that is a matter for them to try to explain. So what are these fossil fuel companies getting out of these donations, other than the approvals that are issued hand over fist? They get a very good return on investment. For every dollar that is donated by a fossil fuel company to one of the big parties—be it Labor or be it the Liberals in coalition with the National Party—the fossil fuel sector get the equivalent of $2,000 back in perks. Whether that is accelerated depreciation, which certainly no other industry gets, or cheap diesel, which certainly no ordinary road user gets, or a tax break for further exploration and production, they get these various tax and depreciation perks that equate to about $2,000 worth of value for every dollar that they have donated to the big parties. So they get their approval and then they get all sorts of fossil fuel subsidies, as we call them. Then you have the irony of various governments saying that they do not want to subsidise the renewable energy sector and—boy!—they do not support subsidies in other sectors, but of course the fossil fuel sector seems to be in a category of its own.

We Greens not only want to clean up the donation system, ban donations from fossil fuel companies, from the tobacco, gambling and alcohol industries and from property developers, address the disclosure rules and lower that threshold so that the public get to know, and they get to know sooner, where the money is coming from and how much it is; we actually want to remove those fossil fuel subsidies. We do not think it is fair that mining companies get cheap diesel when no ordinary road user gets that perk. Obviously the farmers do, and we support them keeping that entitlement, but take it away from the big mining sector. We do not support the mining sector getting those tax breaks for further exploration and production, particularly not while our environmental laws, our environmental impact statements and our social impact statements are so poor and so weak and do not properly protect our land, our water, our communities, our climate and people's health from the ravages of this industry. In particular, it is more insulting for those subsidies to be flowing from the taxpayer purse to entrench and further that industry.

It is very interesting to examine these donations and the flow of people between parliaments and staffers' offices and the fossil fuel mining sector. There is an awful lot of crossover. I would go so far as to say that there is a revolving door between the fossil fuel sector and politicians. It is a revolving door that very much suits ex-politicians or ex-staffers, who presumably get paid a very healthy wage and, of course, fantastic access to the decision makers, while ordinary community members have to fight to even get a meeting with an adviser these days. They get their multimillion dollar donations to help contest elections, and then they get the promises of these very well-paid, cushy jobs once they have exited the
parliament. It makes for incredibly depressing reading because this is, sadly, a disease that is happening on both sides of politics.

I want to mention just a few examples. I am not seeking to disparage the character of these people; I am merely going to put the facts on the table about people who used to work in politics and have gone to work for the fossil fuel sector and, in some cases, come back again. There is a genuine revolving door, where people go back and forth several times. We all know that the former Nationals leader and former Deputy Prime Minister John Anderson went off to become the chair of Eastern Star Gas. That is the much maligned company—deservedly so—behind the Narrabri gas project. It was bought out by Santos in New South Wales and has been plagued with environmental contamination incidents about which there is much community concern.

Another former National Party leader and former Deputy Prime Minister, Mark Vaile, left politics and became a director and then the chairperson of Whitehaven Coal. Again, Whitehaven Coal have a terrible track record in terms of environmental impacts, and they have been devastating a local forest which is also a koala habitat and a part of the country that is much loved by its inhabitants, who are trying everything they can to resist Whitehaven Coal. Whitehaven have trashed not only the forest but some really important Indigenous sacred sites. Much to my extreme disappointment, the Minister for the Environment at the time—Greg Hunt, who is also the current minister—had an opportunity to step in and protect that heritage on an emergency basis. He did not do so, because one of the boxes was not ticked on the form that the community had sent in, begging him to do an emergency listing of this important Indigenous heritage site. It was, 'Oh, there was a tick missing from a box,' and so that form sat unattended somewhere in the minister's office, to his eternal shame.

Former Labor resources minister Martin Ferguson stepped into what I believe was a position specially created for him: chair of the APPEA advisory board. Of course, that is the coal and gas company lobby group that fancy themselves as quite slick lobbyists. That was about six months after he stopped being a minister. I thought that the Lobbying Code of Conduct said that ex-ministers had to have an 18-month cooling-off period. In fact, in this case, there was just a six-month break between former Minister Ferguson being a minister of this parliament and working for one of the chief industry protagonists, APPEA.

I have seven minutes left, and, sadly, I have more than enough names to fill that seven minutes, so I will persist. Craig Emerson, who was the federal Labor trade minister, went on to become a lobbyist for AGL Energy and for Santos. Former foreign minister Alexander Downer was at one point a registered lobbyist with a group called Bespoke Approach, which had amongst its clients Woodside Petroleum, Xstrata, PetroChina and Yancoal. While he was foreign minister, Mr Downer was infamously implicated in the East Timor saga, which really has not ended well for anyone involved—but I digress.

Greg Combet, who was the federal Labor climate change minister, went on to be a consultant to AGL Energy and Santos. That is particularly distressing, given we know the enormous climate implications of unconventional gas. We know that it leaks like a sieve from wells and pipes. We know that, if it is for export—and much of this stuff is—the energy footprint for compressing that gas so that it can be liquefied for export is enormous, and the gas itself is methane. American studies have shown that effectively the life cycle footprint of unconventional gas is about two per cent better for the climate than coal, which is to say it is a
bloody bad idea for the climate. So it was very distressing to see former climate change minister Greg Combet go to work for the one of the chief coal seam gas companies.

Sadly, there is also a long list of staffers, some of whom came directly from the mining sector to work for politicians, stayed around for a while and then went back to the mining sector and vice versa. I believe the current chief of staff to the Leader of the Opposition, Mr Bill Shorten, is Cameron Milner, who is also the former Queensland Labor secretary. He is a fellow whom I have not met. I believe that he was Adani's lobbyist. We know Adani is one of the companies proposing to open a megacoalmine in Queensland's Galilee Basin, which Bill McKibben has described as a carbon bomb. We know that if all the coal from that basin was mined and burned and if that region was considered a country it would be the seventh highest emitter in the whole world. So it is an enormous climate disaster waiting to happen, if anyone is foolish enough to fund that mine. Thankfully, the world can see that the transition to clean energy is on. I think up to 15 banks have now ruled out financing that particular project, which gives me great hope for the future of the reef and, indeed, our own species.

Ben Myers worked for the Queensland Gas Company, another coal seam gas operator, and went on to be the chief of staff to then Queensland LNP Premier Campbell Newman. Mitch Grayson also worked as a staffer for the then Premier Campbell Newman in 2012. By early 2013, he too had joined Santos, but later on he went back to Premier Newman's office.

Stephen Galilee, who was chief of staff to Ian Macfarlane when he was the Liberal federal resources minister—before the current Prime Minister replaced him—and also chief of staff to Mike Baird when he was New South Wales Treasurer and when he was shadow Treasurer, went on to be CEO of the New South Wales Minerals Council. Geoff Walsh, who was a former adviser to Labor prime ministers Paul Keating and Bob Hawke, and also a former national secretary of the Labor Party, was given a senior advisory role to BHP in 2010.

Claire Wilkinson spent a year as a senior media adviser to Minister Martin Ferguson and then got a job as a senior external affairs adviser to Royal Dutch Shell. Brad Williams, who spent four years as Mark Vaile's chief of staff, was and is the manager for government affairs at Inpex, yet another oil and gas company that has approval for a multibillion dollar LNG project, near Darwin. Shaughn Morgan worked as an adviser to Geoff Shaw, New South Wales Labor Attorney-General, before becoming the manager of government and external relations at AGL.

I have another page and a half here, but I sense that people get the point that I am trying to make. There is a revolving door between the fossil fuel sector, who make rich donations to both sides of politics, and this very chamber and the other chamber. For their incredibly generous donations of—what was it?—$3.7 million in the last three years, the fossil fuel sector gets any approval that it asks for; it certainly has not had a refusal yet. It gets cheap fuel; it gets accelerated depreciation; it gets tax breaks for exploration and production; and it gets extreme access to this place and its decision makers. It even gets to topple a prime minister when it threatens to run an ad campaign, which it spent $24 million on, to get rid of the resource super profits tax and water it down to the very diminished minerals resource rent tax, which did not raise much at all—and then, of course, this government took the opportunity to axe it.

This industry is very powerful, and that is just one of the reasons why we need to clean up politics and get rid of these donations, which have in my view a corrupting influence on
politics. The public also hold a dim view of them, because people think that it smells bad. Even if you cannot prove corruption or influence—although sometimes the facts mean there can be no other conclusion—people can see that it is not right that decision makers should be given money by a company that at some point will seek, or perhaps already has sought, approval for a project. It is not fair and it corrupts good decision making—decision making which unfortunately already locks out the community, so it further entrenches that imbalance of power.

I am really proud that we have brought this bill into the parliament. It has been on foot for about 2½ years now, and I am really pleased that we have the chance to debate it this evening. As people might know, we often do not get the opportunity to debate private member's bills in this place. There are just a couple of hours allocated each week, and of course the crossbench shares that time. It is really important that members of the public know that we can do better; we can clean up our democracy. That is what Australians want. We can get rid of the corrupting influence of these dirty industries, whether it is mining or alcohol, tobacco, gambling or property development. We can actually put power back in the hands of the people and restore this country to the representative democracy that we know it is meant to be.

Senator O'NEILL (New South Wales) (17:48): I rise to put some remarks on the record, some of them tempered, on the facts and history of Labor's long-term commitment to this suite of reforms that we consider important. The context in which this is happening requires the first comment. The reality is that this is occurring at the end of the week when we have seen incredible hypocrisy from the Greens party. The Greens party, who have come of age in their own minds, have done a very dirty deal with the government. Yet here they are taking their usual sanctimonious stand, purporting to be the saviours of all things democratic, when the reality is far grubbier and grimmer than their supporters would ever believe.

Labor have a very longstanding commitment to making sure there is transparency about political donations. A vibrant democracy wants people to engage not just at the ballot box but in between, by being part of policymaking, by joining political parties or through the practical reality of making a donation to a cause that they support to advance the cause of democracy. We believe in that. But, for far too long, there has been a platform on which many, many who have money have sought to profoundly influence the course of decision making in this nation.

At the New South Wales level of politics, from an up-close and personal perspective—being on the Central Coast—I can tell you about the grubby, grimy and dirty deals that were established out of the office of Chris Hartcher. Through that whole region, there were 11 politicians that had to stand down from the Liberal Party who got caught because they ignored the legislation that had passed in that state because they thought they knew better and they should be able to take donations, very significant donations. from whomever they saw fit. So the Greens, through this coalition with the Liberal Party, are joining forces with that sort of outfit, where huge donations come through almost completely uncritiqued. For far too long, we have seen them continually resist any attempts at reform.

If I go back to look at the most significant attempts at change that have been made, they are all from the Labor Party, and they reflect the resolutions that continue to stand as a result of our most recent conference, in Melbourne last year. I would like to quote from a second reading speech that was incorporated in Hansard in this place on 15 May 2008 by Senator

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CHAMBER
Ludwig, on behalf of Senator Faulkner. It goes to the heart of one of the critical issues that need consideration. It said:

The first group of measures reduces the disclosure threshold for donors, registered political parties, candidates and others involved in incurring political expenditure from 'more than $10,000' … to a flat rate of $1,000.

That was on 15 May 2008. The bill, the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill, got sent off to a committee and it came back on 11 March 2009. That time, Senator Faulkner said:

As I indicated earlier in my contribution, the government does believe that this bill is a critically important first step in the electoral reform process and I have much pleasure in commending the bill to the Senate.

A few days later, on 18 March, he put on the record:

The history of this is as follows. Last year the opposition sent these measures to the Joint Standing Committee on Electoral Matters for a period longer than 12 months. Then, late last year—

referring to 2008—

after the committee had reported early, we heard the opposition argue that these measures should be delayed even further. Last week in this chamber we saw the opposition combine with Senator Fielding and, on equal voting in the chamber, defeat this legislation on the second reading. In the House of Representatives on Monday of this week again the opposition voted against these measures now contained in the 2009 bill.

At every single opportunity that they had to come to the table and vote for transparency, this government, when they were in opposition, foreshadowed the sort of government that they wanted to be: one that is happy to do deals, one that is happy to do any sort of deal. They have been happy to do one with the Greens this week, and they are certainly happy to do deals with donors and to take many, many dollars from them and hide them as much as they possibly can. They are not doing too good a job over there on that side.

Let's talk about the Greens party. This week Senator Rhiannon has led the great Liberal-National-Greens charge to try to ram the most significant changes to our electoral system in three decades through this place. Senator Rhiannon, the champion of democracy, has form on this. We do not have to look too far to see that she puts her money where her mouth is, so let's follow the money and see where it goes.

Senator Rhiannon and her colleagues say that they oppose corporate donations. But as Senator Cameron indicated in his contribution, the Greens have accepted the biggest ever political donation in Australia's history—no less than $1.7 million. How to win friends and influence people—with $1.7 million. If you have big money, you have a big voice. If you are friends with the Greens, they are quite happy to take $1.7 million. Then we have Senator Waters standing up and saying that mining companies and property developers should not be donating anything. But travel companies? That is fine. Travel companies can do what they like. We do hear that tourism is a growing industry in Australia, but the Greens are not noticing that. Have they required that they and their followers should not support Wotif? Is part of the deal they did, when they got their $1.7 million, that they would never ever use Wotif again? I do not think so. That is not the case.

In addition to that, it is on the record that Senator Rhiannon was so angry about her Greens colleagues defying her position on corporate donations that she ghost wrote an article on the
Crikey website attacking her own party. Sadly for Senator Rhiannon, who was outraged,—
and I can understand her being outraged—she was subsequently outed as the true author of a
piece of hate mail and forced to apologise to her colleagues. It is there for all to see: ‘Greens
sorry for attacking its own party’. This action is revealing of Senator Rhiannon's motivation.

This is not the end of Senator Rhiannon's discord with her own colleagues. There is a good
reason for that, and it is not just because of the structure of the proposals that she has put in
here in cahoots with the Liberal Party this week. On 6 January this year Senator Di Natale
announced that the Greens would no longer oppose genetically modified crops. In his move to
be partners with the Liberal-National Party, Senator Di Natale is jettisoning Greens' policies
left, right and centre. He is leaving the policy behind and is leading the vanguard to the
destruction of democracy, as we know it, in Australia.

Senator Rhiannon, angry again, took some action to defy the Greens' position on GM
crops. In a petty act of retaliation, a few days later her notification of alteration of interests
declared that she had made a donation to an organisation called Gene Ethics that—wait for
it—campaigns against genetically modified organisms. Whatever your view about GM, I am
pretty sure that most of the Greens party might agree with Senator Rhiannon on this. But it
shows that they are a divided unit. They are divided within themselves. We have seen it here
throughout the whole week. Their policymaking does not accord with the image that they
have attempted to create in the Australian community.

Greens voters who thought that this was the great hope for them for the future have been
profoundly disappointed by what they have seen this week. The Greens party is also in
turmoil inside its political organisation. Senator Rhiannon, through that donation, is funding a
campaign against her own party and against her own leader. That just shows her incredible
contempt for her colleagues.

The star of the week, Senator Rhiannon, is the one who was primarily responsible for this
filthy deal with the Liberal Party over Senate voting reforms. She has insisted, in her party
room, that the government's legislation be allowed to commence immediately. God help us all
from the Greens and from the coalition that they are now establishing with the Liberal-
National Party!

It has been put to me—and the people of Australia should make a decision about this—that
the only reason Senator Rhiannon is doing this is for her own self-interest. There are
psephologists around who have made many predictions about what will happen if this
government continues with this electoral reform process, this sham, that they are undertaking.
We know that one of the outcomes indicated is that Senator Rhiannon may not be re-elected
at an ordinary half-Senate election, and that it is in her interest that there be a double
dissolution, where she would have a much smaller quota to reach to be able to get back here.
Senator Rhiannon knows that one of her colleagues in South Australia—either Senator Simms
or Senator Hanson-Young—is unlikely to be returned because Nick Xenophon is going to
take that seat. Senator Siewert is likely to be sacrificed as well. But the biggest thing that is
sacrificed in this deal between the Greens and the Liberal Party is hope for Australian politics
and transparency.

Debate adjourned.
DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:

_Migration Act 1958_—Section 486O—Assessment of detention arrangements—Personal identifiers 1002173, 1002181, 1002208, 1002209, 1002221, 1002236, 1002249, 1002273, 1002283, 1002292, 1002301, 1002328, 1002334, 1002353, 1002356, 1002364, 1002397, 1002398, 1002410, 1002417, 1002452, 1002466, 1002516, 1002519, 1002561, 1002602, 1002605, 1002672, 1002673, 1002730, 1002760, 1002775, 1002856, 1002915, 1002969, 1002974, 1002984, 1003046, 1003102, 1003156, 1003171, 1003172, 1003187, 1003189, 1003197, 1003211, 1003213, 1003304, 1003313, 1003416 and 1003453—Government response to Ombudsman’s reports. Motion of Senator Lines to take note of document agreed to.

_Australian Law Reform Commission (ALRC)—Report No. 129—Traditional rights and freedoms—Encroachments by Commonwealth laws—Final and summary reports. Motion of Senator Ludwig to take note of documents called on. On the motion of Senator Lines the debate was adjourned till Thursday at general business._

_Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2015. Motion of Senator Cameron to take note of document called on. On the motion of Senator Lines the debate was adjourned till Thursday at general business._

_Treaty—Bilateral—Treaty on Extradition Between Australia and the People’s Republic of China (Sydney, 6 September 2007)—Text, together with national interest analysis. Motion to take note of document moved by Senator Lines. Debate adjourned till Thursday at general business, Senator Lines in continuation._

COMMITTEES

Select Committee on Health

Membership

_Senator COLBECK_ (Tasmania—Minister for Tourism and International Education and Minister Assisting the Minister for Trade and Investment) (18:01): by leave—I move:

That Senator Lazarus be appointed as a participating member of the Select Committee on Health.

Question agreed to.

Electoral Matters Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

_Senator JACINTA COLLINS_ (Victoria) (18:01): We had a fairly lengthy discussion—and I recall Senator Carr’s remarks—when we first addressed this report. But it is very important, in my view, that we go back to a number of issues.

In addressing another matter, I raised some of the issues around this inquiry and this report. I gave one example, I think, at the time of what a hasty, rushed—and I recall, Mr President, that you were here at the time, because I was relaying to you that I felt that my rights, both as an individual senator and also as the Labor spokesperson in the Senate on electoral matters, had been denied in how this process had occurred. Since that time, we have still not had
access to the Department of Finance to discuss important issues around these proposals. I note that Senator Rhiannon is not here now. I am not surprised given the shame the Greens must feel about the process they have colluded on in terms of how this report has occurred. I think I coined it as '101 in parliamentary procedure' when I highlighted that it was the only occasion in which I had participated in a committee inquiry where the relevant department was denied senators who wanted to ask questions of it.

Mr President, you will be aware that, in responding to an order for production, some of the material arrived today. As I understand it, there has been an understanding between our leaders that we will address these issues on the next sitting day. But one element that I will highlight at this stage is a response from the relevant senator on this occasion, Senator Mathias Cormann, in relation to the agreement between the government and the Greens party that forms the basis of the provisions that were addressed by this committee inquiry, making the largest reforms to voting in Australia in 30 years. I have mentioned the haste issues, but I want to spend a moment looking at the nature of this agreement.

It is very disappointing, in fact, that no Greens are represented in the chamber at the moment.

Senator O'Neill: They've gone home.

Senator JACINTA COLLINS: They've gone home! The Greens don't leave the parliament early, do they?

Senator Bilyk: It's Thursday.

Senator JACINTA COLLINS: But I thought that being a major party—in fact, they are larger than the National Party—they would be here every moment that the parliament was sitting. Oh, dear! Anyway, the reason I am revisiting this is that Senator Di Natale took issue at being referred to as the 'senator for half measures'. Senator Di Natale took issue with that and also said, 'The agreement is what the agreement is.' We now know from Mathias Cormann that he is right. We now know from the government that there is no written record of exactly what is agreed. There is nothing. I had the parliamentary 101 yesterday. Now, I want to go to a deal making 101. Senator Rhiannon has spent ages talking about how the Labor Party is only doing this because it protects backroom operators and that the backroom operators want to do X, Y or Z. I think it would be a long stretch for anyone to characterise me as a backroom operator. I know that some people have accused me of being new to this debate, yet I have been the spokesperson for the shadow special minister of state in the Senate for quite a while.

But let's go to deal making 101: look at the written record of the deal. The good thing is: when you have a written record of the deal, some years later when there is a new leader of the Greens—rather than the leader who dealt with it quite sensibly at the time, and who was probably less naive—you are able to dispute spurious claims about what those deals were. The first aspect of that, item 3 of this deal—the agreement between the Australian Greens and the Australian Labor Party; fully transparent—talks about goals. It does not talk about commitments in the same way as Senator Di Natale suggests. I suggest that he also goes back and looks at the actual agreement. The dispute that we were having earlier in the day related to provisions in the bill. But if I go to, for example, point 3(d):
d) The Parties note that Senator Bob Brown will reintroduce as a Private Members Bill the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008. The ALP will consider the Bill and work with the Greens to reach reforms satisfactory to the Parties.

The Labor Party did do that. But this is not the ironclad commitment that Senator Di Natale seems to suggest existed.

Let me refer to another element of the agreement because, again, he misrepresented that—or, in fact the Greens have misrepresented that—but I think my other colleagues in the debate that just concluded have highlighted some of this earlier. Again, it is 101 in deal making. Point (e) of that agreements says:

e) Refer issues of public interest disclosure, where the Senate or House votes on the floor against the decision of a Minister, to the Information Commissioner, who will arbitrate …

No—sorry—that is the wrong one. I want to go to the issues from the earlier debate about political donations.

Again, in the short moment I have here I cannot find that exact provision. But it was not that unequivocal commitment, and the history that has been outlined here highlights the point also that the real reason we got nowhere on political donations was because of the behaviour of the now government.

Senator Lines: No!

Senator JACINTA COLLINS: Yes! The behaviour of the now government! So when the Greens had the ideal opportunity—the ideal opportunity!—in their discussions with the government on electoral reforms, what do you think they would do?

Senator Lines: Donations?

Senator JACINTA COLLINS: Well, you would think that they would raise it. But then we will not know exactly what is in that deal because there is no record of it. Today's example of the deal is a story by Phil Coorey in The Australian Financial Review, which—

Senator Bilyk: It was quicker than a one-night stand!

Senator JACINTA COLLINS: Well, it might have been!

Phil Coorey tells us that his understanding of the agreement now is that it has been modified to limit the prospect of a double dissolution election. We all know that it has not been done that at all. There remain three Saturdays when a double dissolution can occur, despite the Greens adjusting the implementation time frame.

But they have not even picked up the recommendations of the Australian Electoral Commission. The AEC said that they need at least three months after proclamation. Now, three months after proclamation will not be the end of June. So not only do we have a shoddy deal, a dirty deal and a silly deal but we have a deal represented in this report that will not allow the Australian Electoral Commission to do its job properly.

I appeal to Senator Xenophon, who is also not here. I noticed in Senator Xenophon's response to the committee report that he acknowledged the shoddy process that had occurred in this inquiry. He acknowledged that and he said that the consideration of the bill will occur in a way which will allow the robust debate necessary. Now, I do not know, Senator Xenophon—what I have seen between the Greens and the government this week tells me they...
will ram it through regardless. There will not be sufficient time to address the things we need to address.

One example of that, which I mentioned earlier today, is the significant change around party political logos. What if you are a political party which has a logo at the moment which you never envisaged would be something that would be on a ballot paper, and you decide that if you want to further your political campaign you really need to change your logo? Will there be sufficient time for that? We have no idea. No idea at all, because this is the dirty deal stitched up between the Greens and the government to further their own interests.

I disagree with Senator Cameron—this is not pale green; this is green of every complexion, led by Senator Rhiannon— (Time expired)

Senator IAN MACDONALD (Queensland) (18:12): I am pleased to enter into this debate. I can say to Senator Di Natale: be careful! This weekend he is going to get every union thug in Australia ringing him, along with the few other members that there are of the Australian Labor Party. Just earlier today—what was it?—at 1.48 pm, Mr George Wright, the National Secretary of the Australian Labor Party sent out a message, a plea, to all members. In part it talked about this particular issue that Senator Collins was speaking about. He said, 'Together we can make it clear to the Greens political party that we have concerns about these changes.' I think the Labor Party have made them aware of that without this following message. It goes on to say, 'Can you call the office of Greens leader, Richard Di Natale, and let them know you are concerned about letting Work Choices happen all over again. Click here to get phone numbers and some key facts for the call.'

So, they expect the Greens to fall for the line that all of these phone calls that are going to happen over the weekend and next week are 'concerned Australians' who just happen to have picked up the phone to ring, whereas in fact they will be from every union thug and every other person who happens to be a member of the ALP—and I suspect that is not many.

But this letter from Mr Wright follows some of the outrageous mistruths that Labor members in this debate have said: it is extinguishing the vote of over 3.3 million people—so this letter says. That is just plain wrong. It says that this will allow the coalition to end up with a majority of the seats—that is just plain wrong! And as we heard in this debate in its many forms here, Mr Anthony Green went through and said, 'Yes, the coalition could get a majority if they win a big swag of the votes in the election, and the way we are going, that is likely to happen.' But I think, as I said yesterday, it will not be at the expense of the Greens; it will be at the expense of the crossbench and the Australian Labor Party, who have shown themselves to be completely ridiculous on this particular bill.

I heard earlier today, on a bill that was introduced by the Labor Party, how the Labor Party were lauding former Senator John Faulkner on being the wise man of the Labor Party. He put forward the bill on the Joint Committee on Intelligence and Security and, because John Faulkner did it, it had to be good. Let me tell you some of the people who sat on the Joint Standing Committee on Electoral Matters back in 2014 when there was a unanimous decision to support it. By 'unanimous', I mean it was supported by all parties attending that committee, which were the Liberal Party, the National Party, the Labor Party, the Greens and Senator Xenophon. Let's see who the Labor Party senators were on that. Lo and behold, Senator Tillem, Senator Faulkner and Mr Alan Griffin. That was one meeting, in March. The next meeting had Senator Tillem, Senator Faulkner and Alan Griffin again. The next meeting had
Tillem, Griffin and Gary Gray. The next meeting had Tillem, Gary Gray and Alan Griffin. The 7 February meeting—

**Senator Lines:** Mr President, I rise on a point of order. I draw your attention to the fact that the senator is not addressing members of that committee correctly.

**The PRESIDENT:** I must say, I was not listening intently to that aspect of it. I just remind senators to address members of this place and the other place by their correct title. Senator Macdonald, you have the call.

**Senator IAN MACDONALD:** I am not quite sure what that means. Am I getting Tillem's name wrong, am I?

**Senator Lines:** Mr President, whilst former Senator Tillem is no longer in this place, he was a senator, and Gary Gray should be referred to as either the member for Brand or Mr Gary Gray, not simply—

**The PRESIDENT:** You are correct, Senator Lines. Senator Macdonald, I just point that out.

**Senator IAN MACDONALD:** Mr President, I was so excited about trying to show to the people who might be listening to this just how hypocritical the Australian Labor Party is again on this particular issue. Senator Tillem is not a senator anymore, but, anyhow, I will do him the respect of saying that the then Senator Tillem was on it, as well as Senator Faulkner, Mr Gary Gray and Mr Alan Griffin. As the Labor Party was saying earlier today, Senator Faulkner is very good—a respected figure when it comes to processes and elections, and yet Senator Faulkner was part of the unanimous support for this particular process. So what has happened in the last couple of years? I do not know. The rest of the Labor Party wanted to go along with it and Mr Gary Gray wanted to go along with it—a guy who, I might say, was the National Secretary of the Labor Party when they had one of their best results at the federal election in the past 20 years. This is the Mr Gary Gray who understands these things. He is not afraid that this new proposal will give the coalition any advantage, because it will not, and Antony Green has proved that.

It is important for those who might be listening to this, as they drive home from work today, to know that the Labor Party are being completely hypocritical again on this electoral matters issue. Anyone listening to this might well remember that, following the 2013 election, there was spontaneous outrage across the spectrum and from every political commentator on how this country could be held to ransom by a couple of senators who were elected with less than two per cent of the vote. It was not a political thing. Anyone who was around at that time, which includes all of the Labor senators, will recall that there was spontaneous outrage across Australia. Every political commentator said the same thing—'This has to be addressed'—and every political commentator, even the left-wing ones, are now saying that the Labor Party have this wrong. It is the hypocrisy that I fear and it should be exposed. We know that the Labor Party do not stand for much. They do what they are told to do by the union movement, but this is just outrageous.

What we are trying to do with this bill and this report from the committee is make sure that the people of Australia determine who they vote for and who they give preferences to. Why does the Labor Party want to stop the ordinary people of Australia making their own decisions? If they want to vote for the Labor Party first, that is fine and, if they want to put me
last, that is fine, but it is their decision. But, until now, the backroom boys in the Labor Party would register a ticket which would determine where the votes went. People who voted Labor may well have wanted a different one, and that is what this bill will do.

It is important that the process works. The government introduced a bill—I think it was passed by the lower house—which said: optional preferential above the line, but below the line would be the old system. You could vote where you liked, but you had to go from one to 115, or however many candidates there were, which was an onerous task that not many people, apart from myself and a few others, would do. The committee that met on Monday had a look at these issues and heard a lot of evidence on these issues. The committee—which had a majority, I might say, of government members—decided to recommend to parliament that the bill should be amended to include optional preferential below the line—one to 16.

That is a committee of parliament having heard all the evidence saying to the government, 'Government, you actually should go back to what was recommended by the original committee back in 2014,' when Christine Milne was still the leader, by the way, Senator Collins.

Senator Jacinta Collins: I know. That was my point.

Senator IAN MACDONALD: It went back to that time. The committee then said it should be optional preferential above the line and optional preferential below the line. The government brought in a bill only doing half of that. The committee met again earlier this week and said, 'No, we the committee think the government should go back to the original proposal, which was optional preferential above the line and optional preferential below the line. That is the bill that is being debated. How can the Labor Party, having supported that fully with some respected people like Senator Faulkner just a couple of years ago, now change their mind with such a hypocritical approach to what is an essential piece of legislation in our democracy? Poor old Senator Di Natale, just recall, you will have every union thug in the country ringing you this weekend and next week and telling you what the Labor Party line is. I am sure you will not be fooled by it. I seek leave to continue my remarks. (Time expired)

Economics References Committee Report

Debate resumed on the motion:

That the Senate take note of the document.

Senator McKENZIE (Victoria) (18:23): I rise to take note of the Economics References Committee report: Future of Australia's automotive industry: driving jobs and investment. When we are talking about automotive industry, when we are talking about transportation, I am very pleased to tell the Senate today that the National's candidate for Indi, Marty Corboy, has brought to my attention the continuing problems with the north-east rail line in my home state of Victoria. He has been in Canberra today for a number of meetings over what has been a very important issue in the Indi electorate. That included a meeting with the Minister for Infrastructure and Transport, Darren Chester, on the possibility of insisting that any federal monies to the Andrews Labor government in Victoria for the Metro Rail Project be contingent on them guaranteeing improvements to the Albury to Melbourne rail service.
Mr Corboy has been a strong supporter of the Border Rail Action Group, known as BRAG, who are incensed at the neglect by the state government of Victoria over this vital piece of rail line. He has asked Minister Chester to include the rail line in any discussions or negotiations he has, as minister, with the Victorian Minister for Transport, Jacinta Allan. Mr Corboy said, 'The BRAG group requests three VLocity trains be made available to provide four services between Albury and Wodonga to Seymour'. He said, 'This would be a short-term solution to what is now a very old problem for people in that community'. Marty told me that he understands that within the highest levels of Bombardier, who are the manufacturers of VLocity trains, there is full support for standard gauge VLocity operation with V/Line, and there are absolutely no impediments to four-hour operational journeys and even longer.

It is time that the people of the north-east of the state had a proper and efficient rail service. I know that the Andrews Labor government are having huge problems with the V/Line services into and out of Melbourne from all areas of regional Victoria. They need to put more emphasis in providing a much better service to all Victorians using regional rail services, and I thank Marty Corboy for his diligence and hard work in bringing this issue to Canberra today.

**DOCUMENTS**

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:

**COMMITTEE REPORTS AND GOVERNMENT RESPONSES—ORDERS OF THE DAY—CONSIDERATION**


Education and Employment References Committee—Feasibility of, and options for, creating a national long service standard, and the portability of long service and other entitlements—Report. Motion of Senator Lines to take note of report called on. Debate adjourned till the next day of sitting, Senator Lines in continuation.

Legal and Constitutional Affairs References Committee—Phenomenon colloquially referred to as 'revenge porn'—Report. Motion of the chair of the committee (Senator Lazarus) to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Education and Employment References Committee—Access to real learning; the impact of policy, funding and culture on students with disability—Report. Motion of Senator McKenzie to take note of report called on. Debate adjourned till the next day of sitting, Senator Lines in continuation.

Community Affairs References Committee—Report—Grandparents who take primary responsibility for raising their grandchildren—Government response. Motion of Senator Smith to take note of document debated. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Economics References Committee—'I just want to be paid': Insolvency in the Australian construction industry—Report. Motion of Senator Cameron to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Economics References Committee—Australia's innovation system—Report. Motion of Senator Carr to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.
Foreign Affairs, Defence and Trade—Joint Standing Committee—Empowering women and girls: The human rights issues confronting women and girls in the Indian Ocean–Asia Pacific region—Report. Motion of Senator McEwen to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Environment and Communications Legislation Committee—Final report—Performance, importance and role of Australia Post in Australian communities and its operations in relation to licensed post offices—Government response. Motion of Senator McEwen to take note of document called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs References Committee—Impact of the 2014 and 2015 Commonwealth Budget decisions on the arts—Report. Motion of the chair of the committee (Senator Lazarus) to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia's automotive industry: Driving jobs and investment—Report. Motion of Senator Carr to take note of report debated. Debate adjourned till the next day of sitting, Senator McKenzie in continuation.

National Disability Insurance Scheme—Joint Standing Committee—Implementation and administration of the National Disability Insurance Scheme—Progress report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Rural and Regional Affairs and Transport Legislation Committee—Shipping Legislation Amendment Bill 2015 [Provisions]—Dissenting report from Opposition senators. Motion of Senator McEwen to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia's regional processing centre in Nauru—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Out of home care—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Domestic violence in Australia—Report. Motion of Senator Gallacher to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia’s naval shipbuilding industry: Part 3 – Long-term planning—Report. Motion of Senator McEwen to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Use of unmanned air, maritime and land platforms by the Australian Defence Force—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Foreign Affairs, Defence and Trade References Committee—Blind agreement: reforming Australia’s treaty-making process—Report. Motion of the chair of the committee (Senator Gallacher) to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Adequacy of existing residential care arrangements available for young people with severe physical, mental or intellectual disabilities in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.
National Broadband Network—Select Committee—Second interim report—Government response. Motion of Senator McEwen to take note of document called on. On the motion of Senator Lines the debate was adjourned till the next day of sitting.

AUDITOR-GENERAL’S REPORTS—ORDERS OF THE DAY—CONSIDERATION
The following order of the day relating to reports of the Auditor-General was considered:
Auditor-General—Audit report no. 24 of 2015-16—Performance audit—Early intervention services for children with disability: Department of Social Services. Motion of Senator McLucas to take note of document agreed to.

ADJOURNMENT
The PRESIDENT (18:26): Order! I propose the question:

That the Senate do now adjourn.

Tourism
Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (18:27):
'Tasmania clearly has got a terrific boost from tourism. Anybody trying to book a hotel room in Hobart or elsewhere has seen that. That is terrific.' Those are the words of Treasury Secretary, John Fraser, speaking during estimates hearings in October last year. This year, in estimates on 10 February, Mr Fraser went even further and said:

We are seeing pretty good economic activity. It is never perfect, but the reports from the state and territory under treasurers are that New South Wales and Victoria are doing well. Tasmania is doing very well, in terms of its tourist industry.

I could not agree with Mr Fraser more. My home state of Tasmania's tourism and hospitality industry is doing very well and he certainly was not exaggerating. Today's *The Mercury* reported that the number of international tourists in 2015 was up a massive 20 per cent from 2014, and those tourists spent $351 million—a huge 34 per cent increase. When you compare Tasmania's figure of 20 per cent growth with the nationwide international tourism growth figure of eight per cent, it is outstanding just how well my state and of course the tourism minister, who is sitting right in front of me as I give this speech, are doing.

The reason is obvious; Tasmania is one of the world's best kept secrets and it has been discovered. Whether you are down at the Salamanca Markets picking up some of the local artisan crafts, are a history buff, or want a unique cultural experience at MONA, Hobart has it all. It is no wonder that the CBD is bustling and bustling with brand new cafes, bars and restaurants popping up all the time. It is not just the capital city that is buzzing with tourists and fantastic activities. You could stop your car just about anywhere over Tasmania's breadth and width and find a bushwalk, the like of which people on the mainland would not find in a full day's drive, or even a few day's drive. It does not stop there. Whether it is catching the ferry over to Bruny Island to sample some of Nick Haddow's famous Bruny Island cheese, or getting a chill down your spine at the Port Arthur jail, there is something for everyone. All of this is just a taste of what you might find in the south.

In the north my home town of Launceston is also enjoying a cultural revolution of nationally renowned restaurants and tourism experiences. One of the latest is, of course, are the newly-built north-east bike trails, which the local or member for Bass, Andrew Nikolic, campaigned hard to get built and which are attracting huge numbers of satisfied participants.
If you look slightly further north you will find the famed golf courses of Barnbougle and Lost Farm and to the north-west you will find the brand-new Cape Wickham course that has just been completed on King Island. Cape Wickham in its debut year was rated as the third best course in the country by Golf Australia magazine just a few weeks ago. Editor-in-Chief of the magazine, Brad Clifton, said: Cape Wickham exceeded all expectations. It’s spectacular coastline for sure but the golf course is truly memorable and it’s only going to get better with its conditioning.

So it is natural that we can also expect a steady increase of golf tourists to Tasmania in the coming months and years. Tasmania’s natural landscape and climate makes it ideal for some of the best golf courses in the world, and we are certainly making the most of it with these amazing courses.

If golf is not your thing and you prefer to hike or bushwalk, I recommend Tasmania’s numerous world-class walking tracks through some of the most stunning scenery in the world. One of the best known is the Overland Track from Cradle Mountain to Lake St Clair. Cradle Mountain has of course been on the must-see list for tourists for many years, but it is only one of the many iconic tracks in Tasmania. The newly opened Three Capes Tracks is similarly setting new records with the response it is getting. It has only been open for a few months, but the feedback Tasmania is getting from those who have completed that track is that it is stunning, world-class and is going to attract huge numbers of people to our state.

The fact is, Mr President, as you well know, that no matter where you go in Tasmania there is something different to see and do. We have the facilities and people needed to give tourists an unforgettable experience. It is no wonder then that tourism is booming in Tasmania. Over the past year or so, more visitors have travelled to our state than ever before—1.3 million, which is well over twice Tasmania’s population. Both international and domestic tourism has grown. We have had a huge increase in domestic tourism, and many of my friends from the mainland have told me how much they loved their visit to Tassie. They love the natural beauty of our countryside and they love our local produce. Internationally, Tasmania’s reputation as a premier holiday destination is growing each year. Lonely Planet recently ranked us in the top four must-see destinations in the world and our tourism operators received unprecedented recognition at both the 2014 and the 2015 Qantas Australian Tourism Awards. They cleaned up, in fact!

One important factor in bringing on the recent international tourism boom has been the increase in Chinese tourists since President Xi Jinping’s visit in December 2014. In 2015, we saw a 14 per cent increase in Chinese tourism, and this is sure to keep increasing in 2016 as word spreads and programs and facilities become more established for this new market. I am particularly bullish about Chinese tourism because of the recent announcement of direct flights from Hobart to China, the possibility of which has been facilitated by the coalition government investment in extending the runway at the Hobart International Airport. The final planning is underway and construction will start soon.

This influx of tourists is creating a whole new industry within itself. We have seen Tourism Industry Council Tasmania CEO Luke Martin working tirelessly with local China guru Richard Beere to develop and run workshops for local business operators who will be providing services to Chinese tourists. The workshops aim to increase knowledge of Chinese
and other cultures and further potential communication with non-English speakers and are designed to give our local operators the tools they need to ensure a positive experience for all.

Chinese tourists, though, are not the only internationals taking a greater interest in Tasmania. In 2015 we saw the number of UK tourists up 33 per cent and, likewise, visitors from the US have increased by 38 per cent. Indeed, of all overseas visitors to Tasmania, more come from America than anywhere else.

The tourism boom has provided fantastic new opportunities for local businesses, and there have been a number of new start-ups and some great growth for established businesses. One of these is Pennicott tours. Owned and run by the world renowned adventurer Rob Pennicott, Pennicott tours has been taking visitors to the most challenging and awe-inspiring parts of Tasmania for well over 15 years. Whether it is the Bruny Island tour, the seafood seduction or one of the dolphin cruises, Rob Pennicott has found the best of Tasmania's natural attractions and activities and made them accessible and affordable to thousands of people. Thank you, Rob, for your commitment to our great state. I cannot wait to see what you think of next!

Another promising development recently was the passing of the China free trade agreement in the November 2015 sitting weeks. This landmark agreement gives Tasmanian producers the chance to expand their business into a newly opened up market where high-quality, fresh produce is worth its weight in gold. I can see Chinese business men and women coming to the Apple Isle looking for our fresh salmon, cheese, wine, cider and beer. Indeed, they already are. I can also see huge opportunities for service providers to expand into a growing market that is hungry for expertise which we can provide. Once the Trans-Pacific Partnership, or TPP, has come into effect, the benefits will be even greater and we will have access to even more of the world's major markets.

I am excited at the other prospects and opportunities which tourism operators and local businesses will see in the immediate future. We have seen our best ever winter for tourism and that comes off the back of fantastic events like Dark Mofo. But we cannot rest on our laurels; we need to be imaginative and strategic to continue to see our tourism industry grow. Government has some role to play in this by ensuring the regulatory environment allows our tourism and hospitality sector the freedom to operate and flourish. Tasmania has some of the brightest, most passionate and creative minds and I am sure that the future of our tourism and hospitality industry is in good hands.

Housing Affordability

Homelessness

Senator LINES (Western Australia) (18:35): So here we are in the year of a federal election with no housing minister and no affordable housing policy. We have heard nothing from the government on homelessness, except that somehow it is the responsibility of states. I have lost count of the number of ministers in the Abbott-Turnbull government who have had 'housing' tacked on to their portfolios, but throughout the term of this government there has not been one policy announcement on affordability housing. Nor has there been one idea or policy on how we as a nation can make housing affordable and support the homeless.

In fact, every year since the election of this government, the church and charitable sector has had to fight tooth and nail at the eleventh hour to ensure that funding, particularly for homelessness, is carried over for another year. We are approaching that drop-dead date once
again and, once again, the silence on funding, particularly for homelessness, from the
government is deafening.

Recently Labor announced our policy on negative gearing. Despite Mr Morrison's feebles
attempts this morning to discredit it, the BIS Shrapnel report has itself been discredited, so it
did not even live out a media cycle. Our policy has been applauded.

Ever since our policy announcement to ensure future negative gearing applies to new
dwellings only whilst grandfathering existing arrangements, the government has been running
a protection racket for its rich mates who well and truly benefit from negative gearing. Saul
Eslake has said that those in the top tax bracket are three times more likely to negatively gear
than those on incomes of less than $80,000. Fifty one per cent of all negative gearing sits with
those in the top 20 per cent of earnings. This is who the Turnbull government are defending.
For once, just once, I would like to hear them defending those who are homeless, those who
are finding it impossible to get into the housing market, whether it is to purchase or to rent.
They are the ones who need defending, and this is where the policy focus should be.

A number of Western Australian housing and homelessness agencies come together every
two years to carry out a survey of people sleeping rough. It is called Perth Registry Week, and
this year the survey was done between 8 and 19 February. This year, for the first time, the
survey was conducted across seven local government areas: Perth CBD, Vincent, Victoria
Park, Rockingham, Kwinana, Joondalup and Wanneroo. I am very pleased and proud that my
council, the Town of Victoria Park, participated and was one of the funders of this year's
Perth Registry Week.

But the story so far is a sad and sorry one. In Perth, we have families living rough. This
year we had the youngest ever homelessness statistic: a two-week-old baby. What a disgrace.
Imagine that for a moment: the birth of a child, a much-anticipated and celebrated occasion, a
time of joy for families. For this young baby, it is a bleak future indeed. That baby is
condemned to be homeless with her family on the streets of Perth. Shame on the Turnbull
government for turning its back on those who are most in need.

There are many families living on the streets of Perth. Seven families, including one young
family under 25, were surveyed. One family, who were identified as in high acute need and
sleeping rough, were referred to a refuge. Another one was admitted to a refuge. Five families
will require affordable housing and short-term support. All of those families were headed up
by women. The average age of the head of the household is just over 34 years. As I said
before, the youngest child was just two weeks old. The average time that homeless families
remain homeless in Western Australia is over a year. That is over a year for families with
children living rough on the streets. The majority of families interviewed were single-parent
families. There were only two families that had two heads in the household. Three of the
families surveyed had been victims of domestic violence and had also been victims of
violence since becoming homeless.

Five of the families surveyed identified as Aboriginal or Torres Strait Islander. Three
families reported having insufficient income to cover all expenses. Twenty children, all but
two, were with their parents. The largest household had four children sleeping rough on the
streets. Aboriginal and Torres Strait Islander people were well and truly over-represented in
the statistics that were collected in the Perth region. Whether as families or individuals, they
were sleeping rough. Almost half surveyed were Aboriginal and Torres Strait Islander people.
Violence now stands out more starkly than ever before in other Perth Registry Week surveys, with over half of the respondents reporting instances of violence and brain injury. All had experienced violence since becoming homeless. Whether they were families or individuals, that issue of violence remains real. It is a threat for those sleeping rough.

Perth's homeless are young. The head of families are just 34 years of age, and the average age of those over the age of 25—the survey makes a distinction between those under 25 and those over 25—was just 40. Again, this dispels the myth that somehow those who are homeless are largely older men. It is not true. I am sure that these statistics collected in Perth would be replicated across the country.

Whilst a more thorough analysis of the survey is being done, those who find themselves homeless are very clear in what they want. They want to feel safe, they want to be safe and they want to have a home. It is a basic need which, by anyone's standards, should be met, and yet the Turnbull government has done absolutely nothing. It has not had a housing minister. It has not developed any real policy. The sector has had to come here every year begging for funding to be continued. The government likes to slam the successful programs that Labor had in place, and yet it sits on its hands. The homeless of Australia cannot wait for the government. Those who need affordable housing, whether it is to rent or to purchase, cannot wait either. Yet all we hear from those opposite is that somehow we have to guard the negative gearing scheme, because the Turnbull government is only interested in those who are buying their seventh home, not those who are struggling to either rent or buy their first home.

Homelessness should not be a problem in a prosperous country such as Australia. The government needs to act, and it needs to act now.

Safe Schools Coalition Australia

Senator SIMMS (South Australia) (18:44): I seek leave to table the following letters and associated signatures: a letter from Senator Janet Rice and me relating to a petition of more than 35,000 people in support of the Safe Schools program, and a letter from the Executive Director of All Out to the Prime Minister relating to a petition of more than 36,000 people in support of the Safe Schools program.

Leave granted.

Senator SIMMS: Last week Senator Cory Bernadi here in this chamber launched his crusade against the Safe Schools Coalition, and he referenced a petition of around 9,000 people. Since then we have seen a huge public response and huge support right across the community for the work of the Safe Schools Coalition and lots of statements of support for LGBTI young people. Indeed, the petitions relating to the letters I am tabling today have signatures from 70,000 people. So it is clear that there is huge community support for this program and the important work that it does.

I want to put on the record just how distressed and outraged I have been by some of the statements made by members of this parliament on this issue. In particular, I was quite frankly revolted by the statements made by Mr George Christensen in the House of Representatives last week. I found the comments he made so odious that I do not wish to repeat them again. But let me say that I was horrified that, in 21st century Australia, we still see this kind of vile homophobia being brought into our parliament. It should be condemned in the strongest possible terms. The kinds of statements he has made are hugely insulting to LGBTI people
and hugely damaging. Homophobia is repugnant, and we all have a responsibility to fight it. The kinds of sentiments expressed by Mr Christensen demonstrate that we do have a long way to go in fighting homophobia in this country, and it is a reminder of why the work of the Safe Schools Coalition is so vitally important.

Politicians making ill-informed and hurtful statements about the work of the Safe Schools Coalition and LGBTI young people often forget the human stories here. They often forget the positive impacts that flow from a program such as this for young people and their families. So I do want to take this opportunity to share one of those positive stories. I received a letter from a constituent in my home state of South Australia talking about how Safe Schools has assisted her and her family, particularly her daughter. I am going to share that with you. I am not going to refer to her name, so that I can protect her privacy. She says in her letter to me:

I am the mother of two children. My son is 9 and my daughter is 11. They both attend government primary schools in Adelaide. My daughter is transgender. From the moment she could speak, she told us that she was a girl, and that her body was 'wrong'. We are open-minded people and we thought we were listening to her, but we didn't really understand. We bought her the toys she wanted, and tried to buy her clothes in the colours she liked (mainly pink), decorated her room how she wanted it. However, we told her she was a boy, called her by a boy's name, told her that she should try and accept the body she was born with.

In 2014, when she was 10, she became suicidal and completely unmanageable. We were assisted by psychiatrists … in Adelaide, where my daughter was diagnosed with gender dysphoria. In October 2014 she told us that she could no longer live as a boy, and needed to transition to her true, female, gender identity. At this point, while we loved and supported our daughter, we were in crisis. We wanted to let her transition, but had no idea how to do so. At the forefront of our worries was where she would go to school, and how she would be supported in her education.

This is when we became supported by the Safe Schools Coalition SA. I found a new school for my daughter. The principal was immediately supportive, but also did not know how to best protect and support my daughter. My daughter decided she did not want to be 'out' at her new school. None of us knew how to enrol her while protecting her identity …

The Safe Schools Coalition guided all of us so my daughter's wishes could be honoured.

The letter goes on to describe a whole range of supports that were provided by the Safe Schools program. This constituent further wrote to me:

As a result, my daughter's transition, both social and educational, went very smoothly. She had her happiest and most successful year ever in 2015. She told me that she can now see a future for herself.

The Safe Schools Coalition SA are still supporting us. As I mentioned, my daughter is not 'out' at school. This is because she is afraid of bullying or, as she says, that somebody 'might want to kill me'. A few weeks ago she couldn't sleep because of this worry. Her principal arranged a meeting where, along with the Safe Schools Coalition SA, they reassured my daughter that she is safe and supported. Now my daughter is sleeping well.

She goes on in her letter to say:

Sometimes my daughter says to me 'Mum, why don't some people like people like me?' I can't really answer this. In February, when my daughter saw Senator Bob Day on the Channel 9 news saying the Safe Schools Coalition should be stopped, she cried.

She further states:

Schools in Australia are better places for all students thanks to their work—the work of the Safe Schools Program—
We moved to Australia in 2013 … and have been astounded by the support my daughter has received, both educational and medical. Thanks to this support, my daughter told me last year: ‘Mum, now I can see a future for myself’.

Members of the Australian Federal parliament should be very proud of the work being done by professionals in many fields, including the Safe Schools Coalition, to support children like my daughter. Please do not let prejudice and hate destroy their wonderful work.

These are the kinds of important human stories that have been lost in the fearmongering and hateful rhetoric that we have seen in this chamber and in the other place. I think it is really important that we get these kinds of stories on the public record and reflect on the important work that is being done by the Safe Schools Coalition to support LGBTI young people, but also their families, in dealing with some of these issues. I know that my colleague Senator Janet Rice has been doing a huge amount of work, in particular looking at the issues that are confronted by transgender young people. That is an area the Greens are doing considerable work on.

In conclusion, this is a program that is achieving very positive results, not only in my home state of South Australia but right across our community. I do not want to see the kind of vilification, hate mongering, fear mongering and scare campaigns that we have seen happening over the last week or so discredit the really important work that is being done by this organisation. It is really important that we set the record straight there.

Often it is said in this place that somehow people have an unfettered right to say whatever homophobic bile might come into their mind, as if somehow freedom of speech is some kind of absolute concept in a democracy. I want to make it very clear that freedom of speech is not an absolute thing in a democracy. Of course, people have a right to express a view, but at the same time that is always balanced against the rights of members of our community to feel safe and protected and free from vilification and persecution. That is an important principle in a liberal democracy like Australia.

I would have hoped that that would be a principle that the Liberal Party would defend under Prime Minister Malcolm Turnbull. That has not been the case. He has let this kind of appalling bigotry and hate speech off the hook. Really, he needs to come out and strongly condemn some of the statements that have been made. Also, I think that in this place and in the other place members of parliament have a responsibility to ensure that they conduct themselves in an appropriate and civil manner and do not go fanning the flames of division and hatred within our community. We should not see members of parliament basically playing politics with the lives of vulnerable young people in our community, and their families. I think that is a reprehensible thing to do. I really hope that people will reflect on the important human stories that are at the centre of programs like the Safe Schools Coalition.

 Senate adjourned at 18:54

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

A New Tax System (Goods and Services Tax) Act 1999—
Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 08) 2016 for Commission Based Services provided to a member of the Stockbrokers Association of Australia [F2016L00201].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 10) 2016 for Labour Services [F2016L00209].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 11) 2016 on Referrals [F2016L00210].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 12) 2016 for Construction Work [F2016L00212].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 13) 2016 for Workers Compensation Insurance provided by Coal Mines Insurance Pty Ltd [F2016L00215].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 15) 2016 for Prize Winning Events [F2016L00206].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 16) 2016 on Licences for Copyright Material [F2016L00208].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 18) 2016 for Friendly Societies [F2016L00211].


Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 20) 2016 for Labour Services relating to Primary Production Activities [F2016L00218].

Goods and Services Tax: Recipient Created Tax Invoice Determination (No. 27) 2016 for Referrers, Spotters, Sub-intermediaries or Sub-agents for General Insurance [F2016L00220].


**Civil Aviation Act 1988**—Civil Aviation Safety Regulations 1998—Exemption — use of pre-hiring drug and alcohol tests—CASA EX42/16 [F2016L00219].

**Corporations Act 2001**—

ASIC Corporations (Amendment and Repeal) Instrument 2016/66 [F2016L00203].

ASIC Corporations (Superannuation: Accrued Default Amount and Intra-Fund Transfers) Instrument 2016/64 [F2016L00205].


**Defence Act 1903**—

Defence Force Amendment (Repatriation of Bodies from Malaysia) Regulation 2016 [F2016L00199].

Section 58H—Submarine Capability Assurance Payment – Amendment—Defence Force Remuneration Tribunal Determination No. 2 of 2016.

**National Health Act 1953**—

National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2016 (No. 2)—PB 14 of 2016 [F2016L00213].

National Health (Highly specialised drugs program) Special Arrangement Amendment Instrument 2016 (No. 2)—PB 13 of 2016 [F2016L00216].
National Health (Paraplegic and Quadriplegic Program) Special Arrangement Amendment Instrument 2016 (No. 1)—PB 15 of 2016 [F2016L00202].


Private Health Insurance (Prudential Supervision) Act 2015—Private Health Insurance (Prudential Supervision) Amendment Rules 2016 (No. 1) [F2016L00207].


Tabling

The following documents were tabled by the Clerk pursuant to order:


Indexed lists of departmental and agency files for the period 1 July to 31 December 2015—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—Environment portfolio.

Fair Work Commission.