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SITTING DAYS—2016

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FORTY-FIFTH PARLIAMENT
FIRST SESSION—FIRST 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 Susan Lines
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. Don Farrell
Deputy Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Katy Gallagher

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. Don Farrell
Deputy Leader of the Opposition in the Senate—Senator Hon. Penny Wong
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 Elizabeth Urquhart
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Jennifer McAllister
Australian Greens Whip—Senator Rachel Siewert

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

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

PARTY ABBREVIATIONS

AG—Australian Greens; ALP—Australian Labor Party;
CLP—Country Liberal Party; DHJP—Derryn Hinch's Justice Party; FFP—Family First Party
IND—Independent; JLN—Jacqui Lambie Network; LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; NXT—Nick Xenophon Team; PHON—Pauline Hanson's One Nation

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>
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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>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Cabinet Secretary</td>
<td>Hon Michael Keenan MP</td>
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<tr>
<td>Minister Assisting the Prime Minister for Counter-Terrorism</td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
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<td>Hon Dan Tehan MP</td>
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<tr>
<td>Assistant Minister for Cities and Digital Transformation</td>
<td>Senator the Hon James McGrath</td>
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<tr>
<td>Deputy Prime Minister and Minister for Agriculture and Water Resources</td>
<td>Hon Barnaby Joyce MP</td>
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<tr>
<td>Assistant Minister for Agriculture and Water Resources</td>
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<tr>
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<tr>
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<td>Hon Julie Bishop MP</td>
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<tr>
<td>Minister for Trade, Tourism and Investment</td>
<td>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>
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<td>Hon Keith Pitt MP</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>Hon Michael Keenan MP</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td>Treasurer</td>
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<tr>
<td>Minister for Revenue and Financial Services</td>
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<td>Minister for Small Business</td>
<td>Hon Kelly O'Dwyer MP</td>
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<tr>
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<td>Hon Michael McCormack MP</td>
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<td>Hon Karen Andrews MP</td>
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<td>Hon Josh Frydenberg MP</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases. Assistant Ministers in italics are designated as Parliamentary Secretaries under the *Ministers of State Act 1952.*
## SHADOW MINISTRY

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Wednesday, 12 October 2016

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 9:30, read prayers and made an acknowledgement of country.

DOCUMENTS

Tabling

The Clerk: I table documents pursuant to statute, and returns to order. Lists are available from the Table Office or the chamber attendants.

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

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Meeting

The Clerk: A proposal to meet has been lodged by the Legal and Constitutional Affairs Legislation Committee for a private meeting today, from 1.50 pm.

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

BILLS

Treasury Laws Amendment (Income Tax Relief) Bill 2016

In Committee

Consideration resumed.

The CHAIR (09:32): The question is that the bill stand as printed.

Senator WHISH-WILSON (Tasmania) (09:32): As we finished up last night, I was asking Senator Cormann about the tax commissioner clearly not wanting to anticipate the will of the Senate in respect of enabling these tax cuts before they have been enacted in legislation. Senator Cormann, the answer you gave last night was that there was bipartisan support for these tax cuts, and that was enough for the tax commissioner. Can you advise whether the shadow Treasurer, Mr Chris Bowen, wrote to you guaranteeing passage of these bills or wrote to the tax commissioner guaranteeing passage of these bills?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:33): The shadow Treasurer in the opposition put out an unequivocal public statement of support. Since we met last night, let me give you another example to demonstrate that this is business as usual. This is a tax cut we are talking about, but you might remember that, in the 2014-15 budget, the government pursued a tax increase in the form of a budget repair levy, and in the precise same manner the tax office adjusted relevant schedules before the passage of the legislation, given that there was a public statement of bipartisan support for the budget measure. So this is the way these things are handled. This is the way it was handled when the government pursued the budget repair levy, which, for all intents and purposes, was a tax increase for higher income earners, and this is the way it was handled in relation to this tax cut for Australian workers on average full-time weekly earnings.
Senator WHISH-WILSON (Tasmania) (09:34): Senator Cormann, is the government going to seek any additional savings from welfare payments to make up for the forgone revenue in the $4 billion that you are handing back to the wealthiest Australians in these tax cuts?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:34): As the government has made clear, this tax cut for Australian workers on average full-time earnings is funded by a crackdown on tax avoidance, in particular a crackdown on multinational tax avoidance. All of the measures on the revenue and on the spending side of the budget are, of course, reflected in the budget.

Senator WHISH-WILSON (Tasmania) (09:35): Last night I asked whether the government had done any economic modelling on the impacts of these tax cuts. You confirmed they have not. I then asked whether the government had done any economic modelling in relation to the omnibus bill and the impacts on families, and you said they had not. I asked whether the government had done any combined analysis of the two bills together, and you said they had not. Of course, I then asked whether you were aware of gender inequality that this bill will continue to propagate. You would not answer my question on whether this benefited male income earners over female income earners. Did the Treasury look at disparities in income and income inequality between regional and rural areas and urban areas?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:36): Senator Whish-Wilson is misrepresenting what I said yesterday. I did not say that no economic modelling was done by Treasury in relation to the impact of tax measures in the budget. As I indicated yesterday, these are matters that have publicly been well and truly ventilated and the relevant information was published some time ago. For the benefit of Senator Whish-Wilson and the Senate, I table some relevant information about the economy wide modelling for the 2016-17 budget in terms of the government's tax and superannuation plan that was in the budget. Of course, I answered a relevant question yesterday as well and Hansard will bear that out.

In relation to the other questions, no, the government has not conducted modelling to that level of granular detail that Senator Whish-Wilson is now asking about. That is not what normally would happen. Let me just say again that these tax cuts apply equally to all Australians. These tax cuts apply equally to all average full-time wage-earners in Australia, who, if we do not pass this legislation, would face a 37 per cent marginal tax rate this year instead of staying in the lower tax rate.

Senator WHISH-WILSON (Tasmania) (09:37): I thought it was really important because the Greens did actually look at the ATO data and I asked if you could confirm some of our conclusions last night, but you would not. In fact, in some cases you did not want to answer my questions. It is very important, especially given that Senator Hanson, who is in the chamber right now, represents a number of voters in rural and regional areas of Australia—and my understanding is that you probably will be voting for these tax cuts today, Senator Hanson, through you, Madam Chair. Eighty per cent of Australians, people on incomes less than $80,000, are going to miss out on this tax cut. I substantiated yesterday that that is not middle-income Australia; that is high-income Australia, on any sensible measure. It concerns me that a number of occupations will miss out on these tax cuts—the ones who need a tax cut.
probably more than a high-income earner like me, who does not need the extra $6 a week: clerks, registered nurses, sales assistants, office managers, storepeople, miscellaneous labourers, age and disability carers, check-out operators and office cashiers, receptionists, childcare workers, waiters, retail managers, commercial cleaners, contact staff, customer service managers, chefs, purchasing and supply logistics clerks, kitchen hands et cetera. I have the numbers here from the ATO. These are the top 20 occupations in which less than 20 per cent of wage-earners will receive tax relief. Senator Hanson represents a lot of voters in the bush and you cannot tell us here today, Minister, whether Treasury has considered whether this tax cut is going to be of benefit to rural and regional Australia, which needs a leg-up probably more than anywhere else.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:39): The Greens really have no shame. You did Senator Hanson the great discourtesy of leaving this chamber when Senator Hanson was giving her first speech and now you are trying to get her on board with this sort of misleading rubbish. The Greens are against tax cuts for hardworking families. Just say it as it is. You are the high-taxing party of Australia. We are talking about hardworking Australian families who should not be pushed into the higher tax bracket, because it would be a serious disincentive for people to work harder and stretch themselves to get ahead—and that is all Australians. Australians in the cities and in regional Australia are incentivised to work harder without being hit with a higher tax rate as a result of their efforts.

You might try to polarise Australians; you might try to put a wedge in; you might try to run this really embarrassing little line that you have just run now, trying to ingratiate yourself with Senator Hanson after treating her with great discourtesy, but I know for a fact that Senator Hanson knows better than to go along with that sort of Greens tactic.

Senator Whish-Wilson, you are going around and around in circles. You are being repetitive. You are asking the same questions over and over again. I have done my absolute best to answer them. You do not like the answers and that is fine. You are entitled to that. You do know that there is a majority view in this chamber for hardworking Australian families to get these tax cuts and you are running a solitary filibuster here, trying to prevent Australian families from getting the tax cuts that they deserve. All Australians need to see the Greens for what they are. The Greens do not want Australians on average full-time wages to get the benefit of this tax cut. You want Australians on full-time average wages to get hit with a higher tax rate. That is your right. You are entitled to vote that way in this chamber, but you know that there is a comprehensive majority in this chamber that actually wants to do the right thing by hardworking Australian families and deliver these tax cuts, which are funded by a crackdown on tax avoidance, in particular a crackdown on multinational tax avoidance. Let's get on with it.

Senator WHISH-WILSON (Tasmania) (09:42): By your own admission, Senator Cormann, yesterday, average full-time wage earners will miss out on this tax cut—based on the numbers you gave us yesterday. When we include part-time wages, that number drops substantially below $80,000. If we use the correct economic statistics for middle-income earners in this country, we will use median income, and then, of course, it drops down to $52,000. So, by your own admission, middle-income families are going to miss out on this tax
cut. Let me put it this way: how many hardworking Australian families in this country will miss out on your tax cut?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:43): As I indicated yesterday—and we are going around and around in circles again—3.1 million Australians will benefit from this tax cut. And let me correct misleading and inaccurate statements that you have just made. The government is focusing on average full-time wage earners. No average full-time wage earner will miss out on this tax cut, as you falsely asserted. The average full-time wage is calculated using the average weekly ordinary times earnings determined by the Australian Bureau of Statistics. We went through that yesterday. This measures the average wage of a full-time worker, and in 2014-15 it was $77,200 per annum and is forecast to exceed $80,000 in 2016-17. The Australian Bureau of Statistics classifies earnings as pre-tax earnings payable to award standard or agreed hours worked. It is calculated before deductions such as superannuation have been made. It does not include amounts that are salary sacrificed, overtime payments, bonuses not attributable to the reference period, governments payments or reimbursements for travel and entertainment. Conversely, regarding the average wage measures, for both part-time and full-time average incomes, average weekly earnings in 2014-15 were $59,100 per annum. But here is the point: the whole point is to provide an incentive for part-time—

Senator WHISH-WILSON (Tasmania) (09:45): Senator Cormann, what does your modelling show in terms of pick-up under that incentivisation? I would be very interested to know what meat you can put on those bones. You say this is all designed to incentivise part-time workers to take up full-time work. What does your modelling shown in that respect?

Senator CORMANN: You laugh because you do not actually understand how hardworking families—

Senator WHISH-WILSON interjecting—

Senator CORMANN: You are too comfortable, Senator Whish-Wilson. You do not understand the way these tax cuts actually impact on average working families. The whole purpose is to provide an incentive for part-time workers to work more hours without being penalised with a higher tax rate. That is the whole point. We want families to be encouraged to stretch themselves to put in an additional effort but not to be penalised with a higher tax rate as a result. That is why we are using the measure that we are using. The whole purpose is to incentivise part-time workers to put in that additional effort without being penalised by an additional tax.

Senator WHISH-WILSON (Tasmania) (09:45): Senator Cormann, this bill did not go to committee. This is a $4 billion tax cut—$4 billion of revenue you took off single parents, university students, Newstart recipients and clean energy only a few weeks ago, and now you want to give it back to high-income earners in this country. This has not gone to committee. We have not had witnesses come and give us evidence on this. This is the only opportunity, in
committee now, for us to scrutinise this. It has received no scrutiny at all. Under a sweetheart deal between you and the Labor Party, this has been rushed through to where we are today, and the Greens are the only ones in here actually asking questions on this bill. You did not answer my question—very deliberately so. How many hardworking Australian families, for example on incomes of $37,000, will miss out on your tax cut?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:46): Again, as I have previously indicated to you, we made the decision to keep the carbon tax compensation in place, in particular the increase of the income-free tax threshold to $18,200, on coming into government, which was, of course, a material tax cut for low-income earners. Senator Whish-Wilson is again misleading the Senate. This bill did go to the Senate Economics Legislation Committee. So, when Senator Whish-Wilson says that it did not go to the committee, that is wrong; it did go to the committee. The committee provided a recommendation to the Senate that the Senate should pass the bill—and I will quote from the committee's report, the committee that you say did not consider this bill, misleading the Senate. Overall, the committee found that the majority of submissions supported the income tax relief measures proposed in the bill:

… commenting that the … amendments are a step in the right direction to addressing the effects of bracket creep on the Australian economy.

Further, the committee commented:

As well as maintaining the progressivity of the tax system, the committee is confident that the bill will positively influence taxpayer decisions to work, save and invest by offering rewards for effort and creating better incentives to work. The committee is also confident that the bill will better align the tax system with the emerging challenges Australia's economy will face in the years to come.

Three point one million Australian workers will benefit from this tax cut. Not every Australian will benefit from this tax cut—that is true. We would like to be able to do more, but this is as much as we can do and we have specifically targeted the measure at Australians on average full-time wages.

Senator WHISH-WILSON (Tasmania) (09:48): I will just make it very clear for the record. What I said was that this bill did not go to inquiry. We did not have time to call witnesses and evidence and fully scrutinise this. That is very clearly what I said. This bill was rushed. There was a submission process for around a week; I think there were only seven submissions in the end given the limited time. This is our chance to scrutinise the bill, because we did not get a chance to before.

Senator Cormann, you said 3.1 million families will receive this income tax cut—or 3.1 million workers. Can you give me the exact number of working families or income earners who will not receive this tax cut? This is a genuine question because I actually do not know the total number of working families or income earners in this country. Can you clarify how many will not get this in exact terms? You have told us that 3.1 million will. What is the total number of working families that will not get this tax cut?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:49): Obviously, if 3.1 million taxpayers get this tax cut, then the remaining taxpayers do not. That is self-evident.

Senator WHISH-WILSON (Tasmania) (09:50): Sorry, I am a little bit frustrated. I do not know what that number is, Senator Cormann, and that is why I would like to know. Actually,
I genuinely do not know what the total number of taxpayers is in this country—whether you classify them as families or individual taxpayers. You can tell us how many will get it—3.1 million. How many will not get it out of the total?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:50): It is a matter of public record and well known that the number of Australian taxpayers is about 10 million—slightly less than that. I believe it is about 9.7 million, more specifically, so 3.1 million of those taxpayers will benefit from this tax cut.

Senator HANSON (Queensland) (09:50): I have been listening to this debate and I will be supporting the government on the Treasury Laws Amendment (Income Tax Relief) Bill 2016. I think Senator Whish-Wilson made a comment that I support those hardworking Australians in rural and regional Australia, and I do. I am concerned about all hardworking Australians. But I feel that this is very much nitpicking by the Greens senator. The country is in dire straits with the debt that we have and we need to address it. But I also know that Australians feel that they are taxed to the hilt. We have to show that those hardworking Australians are given some relief. You may talk about the others that will not come into this bracket—actually those ones that are not going to receive this tax break—but the fact is that those on lower incomes get tax relief in other areas. The government gives them tax relief with the family payments and other areas. Australians on this bracket, around $80,000 or $100,000, feel that they are constantly picking up the pieces and paying for costs for the lower-social-income earners in this country or those that are on a welfare payment. If we do not start giving them some incentive and something that shows we are thinking of them as well then they feel there is no hope. They are constantly being taxed to the hilt.

I think it is fair and it is a start by the government. Yes, we have to look after the lower-socioeconomic people in this country and help them wherever we can. The fact is, if we can rein in government debt and government spending, then we will be able to help more Australians. But I think that it is just a start to give some incentive to those that have worked hard. They have studied to get into a position to earn $80,000. By all means, with today's cost of living in this country, it is not a lot of money, especially when you are rearing a family. I understand that, but at least it is a start and that is what the government is trying to address. You cannot deny that. In other areas the government looks after people on low wages. But I feel that I will be supporting the government on this bill, and that is all I have to say.

Senator XENOPHON (South Australia) (09:53): I want to indicate that I was not able to contribute to the second reading stages of this bill yesterday because I was, along with Senator Sterle and Senator Scullion, at the funeral for the brave and wonderful Michael Korey yesterday. He is someone who is well known to many people in this building. My colleague Senator Kakoschke-Moore indicated our position to the bill, coming from a slightly different perspective, and I hope I am not accused of nitpicking—or Nickpicking—in terms of the questions I will put to the finance minister.

Further to the questions that Senator Whish-Wilson has been asking on modelling of the impact of this tax cut, the concern we have expressed—that Senator Kakoschke-Moore, as part of the Nick Xenophon Team, has expressed—is that we are worried about the future of manufacturing in this country. Assistance is needed, desperately, for Arrium; the automotive sector has up to 200,000 jobs falling off a cliff, potentially, by the end of next year, when car
making in this country closes down; and manufacturing in this country is at a crisis point, down to six per cent of our GDP.

In respect of these tax cuts and the $4 billion in forgone revenue, has any economic modelling been done on spending that revenue on, for instance, providing loans or assistance to our steel industry or to our manufacturing industry; on job programs; on extending, for instance, the Automotive Diversification Program or on extending the Next Generation Manufacturing Investment Program, through the department of industry, for emerging manufacturers, manufacturers transitioning from the close of the auto sector? Has any modelling been done to say what the comparative benefits would be, in economic terms, if we took some of that $4 billion and spent it on programs that would generate or save jobs—the many tens of thousands of jobs we expect will be lost when car making in this country closes down?

Right now, I am struggling to see the assistance that is needed to ensure that jobs are saved in the steel and auto sectors, and in manufacturing more generally. The impact of those many tens of thousands of job losses will be a big increase in our welfare bill and decreased tax receipts from those corporations, those companies, that shut down. In Whyalla, if Arrium falls over, we are talking of a 'Detroit-level event', according to Professor John Spoehr of the University of Adelaide. I think what Professor Spoehr says is a salutary warning, if we do not get this right. In the context of this bill, was comparative analysis done on diverting some of the $4 billion worth of tax cuts to other expenditures to boost industry or manufacturing in this country?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (09:57): Firstly, I have tabled an outline of the economic modelling that was undertaken, which was, of course, published at the time of the budget. Secondly, the Australian government already spends too much. When we came into government, we inherited a spending growth trajectory as a share of the economy that was growing to 26.5 per cent by 2023-24 and rising—according to the Intergenerational report—to in excess of 30 per cent as a share of the economy. Obviously the tax as a share of GDP ratio has, for a very long time, been well below that. If we were to try and chase that level of increased public expenditure as a share of the economy with ever increased taxes, it would absolutely damage the economy. It would put us into a recession. It would drive Australians out of jobs.

What we need to do in Australia is actually bring down public spending as a share of the economy in order to protect economic growth and job opportunities into the future. If we keep spending more than we have, if we keep ramping up the level of debt—debt is deferred taxation—it means that we would have to impose even higher taxes or deeper spending cuts down the track. That is something that would damage the economy, not help the economy, which is what I understand Senator Xenophon is seeking to do. Specifically, in terms of the economy-wide impacts of the government's tax package, as I have previously indicated, they have been assessed as contributing around one per cent to the size of Australian GDP over the long run. That includes, of course, the modest personal income tax cuts we are discussing here today and the Ten Year Enterprise Tax Plan.

Finally, I say to you, Senator Xenophon, what I said to Senator Whish-Wilson: these tax cuts are not funded through spending cuts; these tax cuts are funded through tax increases in
other areas. We are funding these tax cuts for hardworking Australian workers, hardworking Australian families, through additional revenue from a crackdown on tax avoidance, which is laid out in the budget, and through a crackdown on multinational tax avoidance, which is also laid out in the budget. But the proposition that, somehow, in Australia we can continue to ramp up the proportion of public expenditure in the economy and chase that increasing share of public spending in the economy with ever-increasing tax burdens in the economy is not a proposition that the government supports, because we are very conscious of the fact that if we want to be as successful as possible moving forward then we need to be internationally competitive. We need to ensure that our tax system is as growth-friendly as possible, and we need to raise the necessary revenue for government in the most efficient and least distorting way possible, and in a way that least detracts from economic growth opportunities into the future, so that on the back of stronger economic growth we can generate more revenue for government to invest in the important benefits and services provided by government—not by increasing the share of taxes in the economy but by increasing the size of the economy and having more revenue at a lower share.

Senator XENOPHON (South Australia) (10:01): I have a genuine enormous regard for the Minister for Finance’s intellect, his hard work, and his great work ethic, so that is why I am quite surprised that he has completely failed to answer the question. Perhaps I need to rephrase the question. There are $4 billion worth of tax cuts. ACOSS, the Australian Council of Social Services, is an organisation that worked in good faith and successfully with Minister Morrison, when he was the Minister for Social Services, to bring about changes to the tapering rates, which was something that was opposed by the Australian Labor Party and the Greens. So you cannot put ACOSS in the camp of saying that they are always against the government, because they worked constructively with the government on that piece of legislation. ACOSS says:

It is unconscionable that at the same time this Bill is being considered, Social Security Bills before the Parliament propose cuts to payments for the poorest households, including $50 a week for a sole parent with two teenage children with no private income and $47 for an unemployed 23 year old.

That is something that Senator Whish-Wilson has well traversed so I will not repeat that. But the particular question I have—and something that I think Senator Whish-Wilson would refer to as going into the ‘granular details’—is that this modelling does not go into those granular details of what the economic impact would be. What would the impact be if some of that money was diverted to the Automotive Diversification Program, or the Automotive Transformation Scheme—which is due to be underspent by $1.24 billion—and was actually spent in stronger economic growth for those industries? What would the impact be if it was spent on businesses such as a SupaShock in Adelaide which, with a bit of assistance, could accelerate its economic growth and its business plan, to go from 20 to 120 employees much sooner than under its current business plan, and could get those export markets? The point is—and I worry that the minister is looking a bit bored—that in terms of stronger economic growth—

Senator Cormann: That is unfair.

Senator XENOPHON: Senator Cormann says that it is unfair. Maybe my question is a bit boring, so I will take that! All I am asking is this: has any modelling been done to consider what the economic benefits would be to increase funds such as the Automotive
Transformation Scheme, the Next Generation Manufacturing Investment Programme, or the Automotive Diversification Program? Spending some money on doing that could reap significant dividends in terms of increased employment, more people paying PAYE tax, companies earning more money and paying more company tax, and the general multiplier effect on the economy of that economic activity. Right now, the modelling done by the University of Adelaide and the work done by the Bracks review in the auto sector show that we are going to face a multi-billion dollar hit to the economy, in the order of $22 billion, when the auto sector shuts down. Surely that is something that ought to have been considered in the balancing act between these tax cuts and issues of industry assistance.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (10:04): I thank Senator Xenophon for that question. I was listening attentively to the question in a very interested fashion. Let me make this point, and I will do my absolute best to precisely answer the question. There are an infinity of ideas and suggestions that are brought to us for increased government expenditure. The propositions that you have just put on the table are a number out of a great plethora of propositions that are put to the government for additional expenditure, and all of them generally come with the proposition that if only the government were to spend more money on this, that and the other it would be good for economic growth. It is completely impractical for the government to model the potential implications of every single good idea that people think they might have for the government to spend more of the money that the government does not have. The government is in deficit; the government's expenditure as a share of the economy is too high. If we want the economy to be as strong as possible, if we want Australian families to have the best possible opportunity to get ahead, we have to bring public expenditure as a share of the economy down so that our revenue has a chance to catch up and we can get the budget back into balance.

This tax cut for hardworking families is not funded by spending cuts. This tax cut for hardworking families is funded by a crackdown on tax avoidance, in particular a crackdown on multinational tax avoidance, and a series of measures that are reflected in the budget. The important macro-economic point here is that we cannot increase the overall tax burden in the economy without limit to catch up ever-increasing levels of expenditure in relation to a whole series of good ideas that people bring to government from time to time, because it would force the tax burden in the economy up to a level that would damage economic growth. The better way to increase revenue for government is on the back of stronger economic growth. In order to achieve stronger economic growth you have to have, among other things, the right incentives for families across Australia to work harder, and lower tax rates focused very specifically, focused in laser sharp fashion, on Australians on average full-time wages is a way to provide that incentive.

Our Ten Year Enterprise Tax Plan is part of providing that incentive—attracting additional investment, helping to boost productivity, helping to increase real wages over time, which in turn will have a flow-on effect on the level of income tax revenue generated. This will occur not on the back of a higher tax rate but on the back of stronger economic activity. That is what we are trying to achieve. Just keeping spending more money on all sorts of meritorious causes costs money that we do not have, because we cannot keep increasing spending as a share of GDP—that is not the right way forward for Australia. And, no, we have not modelled every
single spending proposal that has been put to us; what we have modelled is the economic impact of the government's package in the budget and, as has been publicly disclosed on a number of occasions, it is expected to permanently add one per cent to the size of the economy over the long term.

Senator XENOPHON (South Australia) (10:08): I thank the minister for his answer. I apologise for saying that he looked bored—I think I do need some long-distance glasses in this cavernous chamber. The minister says there are an infinity of ideas and suggestions—it sounds like a Buzz Lightyear response: 'To infinity ... and beyond!' When I received a briefing from senior officials of the Department of Industry, Innovation and Science yesterday, facilitated by Minister Hunt, they had a list of programs where firms received assistance, usually on the basis of a government grant, but the private company itself has to kick in at least 50 per cent and in many cases two-thirds and three-quarters of their own money, as their own investment, with the idea being that it creates jobs and it creates economic activity and there is a net economic benefit. Does the minister acknowledge that there can be a formula where sometimes if you have targeted government assistance alone, assisting a company to build its export markets for instance, there is a dividend back in the sense that it increases economic activity and there is a net economic benefit from that activity? Is there a mechanism for measuring that?

For instance, I think the minister may be interested in what they do in Germany—the Fraunhofer model—in terms of targeted industry partnerships between government and industry in that country. In Germany, 22 per cent of the GDP of that nation is based on manufacturing, compared to six per cent in this country—down from 12 per cent a decade ago.

So that we can put each other out of our misery on this particular line of questioning, all that I ask is: does the minister concede that there is a process, that there is a mechanism, to determine when you put government money into a particular program that you can measure in a quantifiable manner the net economic benefit in terms of jobs created, economic activity, tax receipts—including PAYE and corporate tax—and the broader multiplier effect on the economy than if that targeted assistance were not provided? And, if that is the case, surely that is something that should be considered in the balancing act of whether we have a tax cut of this magnitude or whether we have some additional targeted government assistance that can be quantified?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (10:10): In the broad, of course, there is a range of programs available across government that do the sorts of things that Senator Xenophon is suggesting. The question for government at all times is a question of competing priorities and balancing, and making judgements on those competing priorities. In the budget that is what we have done. In the budget we have made judgements on these priorities, according to what we believe is in the best interests of the Australian economy.

Now, these are matters of judgement. We have made the judgement that Australians on average full-time wages should get this tax cut. We are very grateful that the Labor Party has made the same judgement. We are very grateful that Senator Hanson and the One Nation Party have made the same judgement. We respect the fact that you have made another
judgement and that the Greens have made another judgement. That is why, ultimately, these matters get resolved by a vote in the Senate. That is the way the process works.

We believe that the level of expenditure through the industry portfolio in relation to the matters that you raised is right, according to how it is reflected in the budget. We do not believe that we ought to increase expenditure beyond what is currently budgeted, based on what we know today. Down the track, at every budget update and in every budget, obviously there is an opportunity to reassess the fiscal discipline that we impose on ourselves—of course.

If we need to spend more on a higher priority it means that we have to find a saving, a spending reduction, in another part of the budget, because our spending overall is increasing too fast. Our spending as a share of GDP is too high and we have to continue to bring that down to make it more sustainable and more affordable in the economy. But, fundamentally, I agree: these are judgements. The government has made a judgement. On this occasion, the Labor Party supports our judgement—we are grateful for that. Others, like Senator Hanson-Young, support our judgements—we are grateful for that. You will pass a different judgement, and you are entitled to do that. Sorry—that was Senator Hanson!

The TEMPORARY CHAIR (Senator Sterle): Just before I call Senator Xenophon. Senator Roberts, I have noticed you popping up. I am very keen to give the senator questioning the opportunity to respond. So I am not ignoring you, unless Senator Xenophon actually wants to cede and give you a run.

Senator XENOPHON (South Australia) (10:13): I have what I hope is a final follow-up question. With respect to the minister, he has fundamentally failed to answer the question. The point is this: does the minister say that, if we put government funds into a particular industry assistance program—loans, grants, export incentives—it can be quantified, it can be modelled? In broad terms, economic activity, increases in tax receipts, increases in employment and the multiplier effect? And if we did do that, the counterfactual is this: if, in the context of the auto sector, where the Bracks review and Professor John Spier are saying that upwards of 200,000 to 250,000 jobs could be lost by the end of next year, what the cost is to the community of the unemployment, increased levels of crime and increased levels of violence? By having a targeted approach to government assistance can we at least quantify whether we are getting good value for money for that, which of course means we can then do a comparator with these tax cuts? That is where I am and, hopefully, that can be the end of it.

The TEMPORARY CHAIR: Minister, just before you go, Senator Whish-Wilson jumped up. It is always dangerous to assume here, but I think you mentioned Senator Hanson-Young—

Senator Whish-Wilson interjecting—

The TEMPORARY CHAIR: Okay, Minister.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (10:14): It is Senator Hanson. I corrected that—sorry. Senator Xenophon is assuming that spending more and the impact that the additional expenditure has does not have flow-on consequences elsewhere given the higher deficit and the higher debt that it would generate or the higher tax burden it might require in order to fund it. There is a
net effect. How you pay for something matters when it comes to the economic effect. How you pay for something matters. The level of tax—

_Senator Xenophon interjecting—_

_Senator CORMANN:_ No. Again, you might disagree with my proposition, but you are asking: is it true that if we spend more this would have a beneficial impact? Sure. If we can keep spending more ad infinitum, it would have a great impact. But the point is that, if you spend more, you cannot just look at the effect of additional expenditure in isolation without considering the cost to the economy of either higher taxes or higher deficits and higher debt. I guess the government has to make these judgements, and the government has made these judgements. They are reflected in the budget. What is in front of the Senate here today implements a key feature of the government's economic plan.

Just in relation to the car industry, Senator Xenophon well knows that there are transitional arrangements in place and that there is significant funding provided by the Commonwealth for transitional arrangements. You might think it should be more, but there is transitional funding in place, and of course the Commonwealth is working with relevant state governments and relevant car manufacturers to ensure that people are assisted through the transition into finding other jobs.

I remember Paul Keating providing a very comprehensive interview to Kerry O'Brien a few years ago where he was questioned about the impact of lower tariffs on various manufacturing industries, and what he said was right. He said, 'Well, these people had bad jobs and they got new and better jobs.' There is always change in the economy, and we always have to focus on what we can be genuinely competitive at and where we can genuinely be successful. There is a need to assist workers that are impacted by that transition through the transition, and that is something that the government is doing. But to just willy-nilly throw more money at something is not the right way forward.

_Senator XENOPHON_ (South Australia) (10:17): Minister, are you actually saying that the tens of thousands of jobs in the automotive sector in this country are actually bad jobs? Is that what you are saying?

_Senator CORMANN_ (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (10:17): That is not what I am saying. You are putting words in my mouth and you are misrepresenting and verballing what I am saying. What I am saying is clearly that, as a result of decisions made by car manufacturers, these jobs will go. Ford—which, sadly, closed its doors the other day—made that announcement in May 2013 in, dare I say it, the period of the previous Labor government. We are not criticising them for it. It was a long time coming. There were a range of reasons for it. We now have to look forward and focus on where we can be the most competitive possible to be successful into the future.

_Senator ROBERTS_ (Queensland) (10:18): Senator Cormann, I applaud Senator Xenophon's desire to protect his state by reducing electricity costs and looking at renewable energy and also his persistence now in seeking some protection for his state. However, I suggest that Senator Xenophon, instead of looking at you, needs to look to his left and look at the cause of the higher prices for electricity in South Australia, the Greens, and also the security implications there because of the destruction of the reliability of the electricity supply.
I can also empathise with Senator Cormann's dilemma. But perhaps, instead of shovelling assistance to South Australia, what we need to do is to release the burden of the renewable energy costs on that state and make the state more competitive. Right now, we have both the LNP opposition and the Labor Party government in Queensland wanting to increase renewables, yet they are both saying they want to stimulate the Adani coal project, yet neither are doing so, because they are afraid of the Greens pressure.

Senator Cormann, if we were to get the Adani project going, it would provide a lot of revenue for our federal government and our state government. If we made that coal—and Queensland coal is of very high quality—available to South Australia to burn, then we would also ease South Australia's energy costs. Instead of subsidising their industry, maybe they would attract more industry. That is a way out of your dilemma that would both increase revenue and reduce costs in South Australia. I would like your comment on that, and I would like your comment, Senator Cormann, on whether or not there is any hope of untangling the messy and counterproductive hodgepodge that is the tax system in this country, which is made even worse by a renewable energy target that seems to be driven by Greens ideology that is contrary to the facts.

The TEMPORARY CHAIR: Senator Roberts, before I call the minister, I will say that the debates in this chamber are normally wide-ranging. I have no idea what your speech has to do with the bill we are discussing, but I will give the minister the opportunity to answer you.

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (10:20): I thank Senator Roberts for that contribution. I am quite happy to engage in a discussion with him in relation to this at a later stage but, given the Senate is about to break to listen to the speech by the Prime Minister of Singapore in the other place, I was hoping that we might be able to bring this debate to a close so that we can facilitate our tax cut for hardworking families.

I have great sympathy for the proposition from Senator Roberts. It is important to get projects like the Adani projects up in order to boost economic growth, so it is a very legitimate point that Senator Roberts has made. In relation to some of the other issues, I suggest that we might leave that for a future debate.

Senator WHISH-WILSON (Tasmania) (10:21): I will also wrap up now, but I would like to say a couple of things on the record. Firstly, Senator Hanson—through you, Chair: if this is nitpicking, it is a very big nit—$4 billion dollars worth—that is sucking a lot of blood, and it needs to be picked. We are here as a house of review to review legislation. That is our job. This is $4 billion of taxpayers' money that is being given in a tax cut to the wealthiest Australians—the wealthiest 20 per cent of Australians. That means that 80 per cent of Australians miss out on this tax cut. The most updated numbers that we have from the ATO show that 2.5 million Australians will get this tax cut and nine million will miss out. I am guessing, Senator Hanson—through you, Acting Deputy Chair, that most of those live in the bush and are your 'forgotten people'. They have certainly been forgotten here today. You have failed your first test. You have turned your back on them, and the Greens have stood in here and stood up for low-income Australians who we felt should have been given the assistance, instead of the wealthiest Australians.
I do believe that what we are debating here today—and Adam Bandt, MP, from the other house, said this as well—this is a political strategy we are dealing with today. This is all about votes. This is not an economic strategy. It is not targeted. I have not been able to get answers on any detail associated with this particular initiative to my satisfaction. For example, why didn't the government move to reduce bracket creep for those on the $37,000 upwards to $80,000 bracket? What is the impact of this bill beyond the forward estimates? What is the differential impact of this bill on regional Australia versus those in the cities? We have inequality between the bush and our cities, and this is going to make it worse because it is mostly high income earners in the cities who will be getting this tax cut, not those in the bush. What wage growth estimations did the government use to work out how many people will be impacted by the changes? There are no answers.

Are wages growing faster for those in the $80,000 to $87,000 range than for those on lower incomes? There are no answers. Presumably these would have been important things to determine before you gave the tax cut to people earning over $80,000. Has the government modelled the impact of these tax cuts specifically? Senator Cormann has talked about the overall package, and he has tabled something today. But it had no detail at all—no granular detail, a term that both he and Senator Xenophon have used. What evidence will we have that this will trickle down? Did the government look at taxation adjustments? There are all these things. Why are women in this country still being discriminated against in the sense that they are going to largely miss out on the benefits of these tax cuts versus men. What are we doing to tackle inequality?

I am disappointed with the answers I have got here today, and I think it is a real shame that we are giving away $4 billion worth of taxpayers' money and not targeting the really serious issues we should be targeting as senators, and that is tackling inequality in this country.

Bill agreed to.
Bill reported without amendments; report adopted.

Third Reading

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (10:25): I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

Sitting suspended from 10:26 to 12:00

National Cancer Screening Register Bill 2016
National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016

First Reading

Bills received from the House of Representatives.

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (12:00): I move:

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

Second Reading

Senator CASH (Western Australia—Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Minister for Women) (12:01): I table a revised explanatory memorandum relating to the National Cancer Screening Register Bill 2016 and move:

That these bills be now read a second time.

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

Leave granted.

The speech read as follows—

NATIONAL CANCER SCREENING REGISTER BILL 2016

The National Cancer Screening Register Bill 2016 creates a new legislative framework for the establishment and ongoing management of cancer screening registers.

The need for this Bill arose from the Federal Budget 2015-16 announcement to improve cancer detection, treatment and prevention through innovative measures that ensure Australia remains a world leader in the field.

The Bill provides a principles-based legislative framework to support the Government's policy objectives of supporting Australia's health system to meet current and future challenges. The Bill lays the foundation for future work to move towards a national integrated system that captures and reports on individuals' screening test results and the results of relevant follow-up procedures, up to and including the diagnosis with cancer or pre-cursor to cancer.

This Government takes privacy seriously and is committed to protecting the privacy of personal information, especially in this technological and information age. A population-based health information technology that electronically collects and stores personal and health information to support the delivery of the bowel and screening programs does come with risks, including in relation to privacy.

Some changes have been proposed to the NCSR Bill to provide clarity in some of its provisions. These include a new provision requiring the contracted service provider to notify data breaches to the Secretary of the Department of Health and the Information Commissioner, and for the Secretary of the Department of Health to notify data breaches to the Information Commissioner, and for certain actions to be taken in relation to data breaches. These amendments will achieve a balance between protecting privacy and maintaining the flexibility required to deliver world class screening programs.

The protection of personal information held in the Register is of paramount importance. It is proposed that any unauthorised recording, use or disclosure of personal information in the Register, or a contravention of the requirement to notify data breaches, is an interference with privacy for the purpose of the Privacy Act 1988. Although the Department or affected individuals would have recourse to engage the Information Commissioner in any matter relating to a privacy breach, this amendment would make it explicitly clear that the Information Commissioner could undertake an investigation as required.

This Bill will serve to benefit the health of Australians through more efficient cervical and bowel screening pathways – made possible by the establishment of a national register. It will assist general practitioners and healthcare providers in their clinical decision-making and contribute to cancer detection, treatment and prevention.

The Opposition is proposing to amend the legislation to limit operation of the Register to a not-for-profit organisation or government agency. This amendment would be an extraordinary limitation on
government's ability to continue with these partnerships and send a concerning message to the private sector.

With the passage of the legislation, the Register will commence operation on 20 March 2017 to support the National Bowel Cancer Screening Program, and from 1 May 2017 it will support the renewed National Cervical Screening Program. Passage of the Bill is required by the end of October 2016 to enable data migration of state and territory cervical screening registers to the Register, followed by data cleansing and system testing in time for a fully operational national register by this date.

NATIONAL CANCER SCREENING REGISTER (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2016

This Bill provides for the consequential and transitional provisions required to support the operation of the National Cancer Screening Register.

The National Cancer Screening Register Bill 2016 and the National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016 will establish the National Cancer Screening Register (the Register), authorise collection, use and disclosure of information for the purposes of the Register, authorise the migration of state and territory cervical screening data to the Register, and mandate reporting of screening information to the Register to facilitate clinical decision-making. The designated cancers for the purpose of the NCSR Bills are cervical cancer and bowel cancer.

A number of amendments to other legislation are required once the National Cancer Screening Register Bill 2016 receives Royal Assent to enable certain information to be provided to the Register. These are described in the National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016.

Amendments will be made to the Australian Immunisation Register Act 2015 and the Health Insurance Act 1973 to facilitate the provision of information to the Register.

Schedule 3 of the Freedom of Information Act 1982 (the FOI Act) will be amended to allow protected information in the Register to be exempt from disclosure under section 38 of the FOI Act in response to an FOI request. This amendment will add the offence for unauthorised disclosure of protected information in the National Cancer Screening Register Bill to the list of secrecy provisions recognised for the purposes of subsection 38(1) of the FOI Act. Protected information for the purposes of the NCSR Bills includes personal information in the Register, or derived from personal information in the Register.

This amendment to the FOI Act is important for ensuring there is no unnecessary intrusion on an individuals’ privacy arising from FOI requests. While the existing exemption in section 47F of the FOI Act prevents unreasonable disclosure of personal information, it is a conditional exemption subject to a public interest test. The amendment to the FOI Act will unconditionally exempt disclosure of protected personal information in the Register in response to an FOI request.

The Health Insurance Act 1973 will be amended to enable the ongoing provision of Medicare enrolment and claim data to the Register. This information will be used as part of the process for determining the individuals who are to be invited or not invited, as appropriate, to participate in the cervical cancer and bowel cancer screening programs.

The Australian Immunisation Register Act 2015 will be amended to authorise the disclosure of information kept on the Australian Immunisation Register to the National Cancer Screening Register. This will allow for Human Papilloma Virus vaccination status to be included in an individual's record on the Register.

This Bill authorises the disclosure of information from prescribed cervical screening registers to the Register. This will facilitate the transfer of information from the state and territory based cervical screening registers to the National Cancer Screening Register without the states and territories being required to amend their legislation to authorise that transfer.
The Bill provides for the civil penalty for failure to comply with mandatory reporting obligations to commence on 1 May 2018, allowing a 12 month grace period after commencement of the Register to give healthcare providers time to transition to the new mandatory reporting scheme.

The provisions in this Bill will commence at the same time as the National Cancer Screening Register Bill 2016 commences. However, if that Bill does not commence, the provisions in this Bill do not commence at all.

Senator POLLEY (Tasmania) (12:01): I rise to speak on the National Cancer Screening Register Bill 2016 and the National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016. From the outset, I want to make it clear that Labor strongly supports the establishment of a national cancer screening register, and, in particular, the improvements to cancer screening programs that the new register will support.

Addressing the specifics of these two bills, they will first and foremost establish the national cancer screening register and authorise collection, use and disclosure of information for the designated cancers of cervical cancer and bowel cancer. These bills authorise the migration of existing bowel cancer screening and state and territory cervical screening data to the register, ensuring existing screening information is retained in the new register. The bills also mandate reporting of screening information to the register.

It should be noted that the creation of this register will enable improvements to several cancer screening programs. The National Cervical Screening Program will move from a two-yearly pap test to a five-yearly cervical screening test—the recommendation of the independent Medical Services Advisory Committee. Incorporating this change in the national cancer screening register is expected to stop an additional 140 incidences of cervical cancer a year. In addition, this legislation will see the National Bowel Cancer Screening Program accelerate its transition to biennial screening, with Australians aged 50 to 70 to be screened every two years by 2020 instead of 2034. Clinical trials have shown that biennial screening can prevent 300 to 500 deaths a year. Labor strongly welcomes these improvements, which will arise from the creation of a national register.

When you look at the information the register will hold—some of the most sensitive health data of Australians—you quickly realise the importance of getting it right, and yet the government has approached this important legislation in the most shambolic way. On the eve of the election, the Turnbull government signed a $220 million contract to outsource the register to Telstra before parliament even saw the legislation. Now in a rush to pass the bill retrospectively, the government has completely bungled the bills.

When Labor and the crossbench referred the government's bill to an inquiry, the member for Farrer accused Labor of a 'hysterical tirade'. But in an embarrassing rebuke of the government their own privacy and information commissioner made six recommendations to the Senate inquiry to fix the legislation. Some of the loopholes identified by the commissioner were alarming. For example, the government's bill, as drafted, may allow the register operator to collect all the Medicare information of people who are on the register. Under the government's plan this would allow Telstra to see all health services that a person has received, including sensitive areas like mental health and sexual health.

The new national register is designed to hold extremely sensitive information about every Australian who is eligible for cancer screening programs. The register is not opt in, and an individual will only be able to opt out of the register once it is implemented. At the most basic
level, it will hold an individual's personal details, such as their name, address, contact details, date of birth, gender and sex. It will also hold an individual's Medicare number, Medicare claims and preferred GP or other health providers. The register will also contain extremely private and intimate health data that is usually only disclosed between a person and their GP. The register will record human papillomavirus vaccination status, screening test results and cancer diagnosis.

Further to this, as the government's own explanatory memorandum says, Telstra will know if a person has cervical or bowel cancer, a person has a precursor to cancer or genetic markers that may lead to cancer, a woman has had a hysterectomy or a part hysterectomy, a person is transgender—for example, biologically a woman and has a cervix. Certainly, this is not information that most Australians would be comfortable disclosing to a telecommunications provider. Labor accepts that this information is necessary for the operation of the register, but we do not accept that Telstra, with a questionable record of privacy breaches, should have Australia's most private and sensitive health information. We know that many Australians would question the rationale behind giving a for-profit company access to this health data.

The scope of these bills also makes clear that the minister can give Telstra even more information and the register may be expanded to other cancer screening programs in the future. As the explanatory memorandum notes:

With rapidly advancing technology or changes in screening tests, the range of information that needs to be collected may also change and is difficult to predict. This provision allows rules to prescribe additional classes of data to form part of the contents of the Register that is considered necessary to be included in the Register for the purposes of the Register.

It isn't only Labor that is concerned about the government's decision. The Royal Australian College of General Practitioners, which represents 33,000 GPs, has said of the government's decision:

[The] RACGP would be far more comfortable with [the Register] being operated by a government, tertiary institution or a not-for-profit entity that has little interest in how the data in the registry might otherwise be used for pecuniary reasons.

The Australian Medical Association expressed similar views, saying:

Given the potential commercial value of the data contained in the register, the AMA would be more comfortable with it being operated by government, a tertiary institution, or not-for-profit entity that has little interest in how the data in the register might otherwise be used. This would go a long way to allaying concerns about the secondary use of data for commercial reasons.

These concerns are shared by many others across the health sector, because they know how important it is to get this register right.

Last week, Labor proposed nine amendments to improve the government's legislation. Labor has now dragged the government, kicking and screaming, into accepting many of those amendments. We understand the government will move a series of amendments that meet many of our demands. Remember, this is the same government that said the Senate inquiry was a hysterical tirade and that is now having to amend its own legislation.

And yet the government still cannot get it right. Its legislation is still full of holes. In addition to the Labor amendments that the government is accepting, we will move amendments that it refused to accept. Labor's amendments will ensure that Australians'
personal information is collected and used appropriately and that appropriate penalties are in place to protect all Australians.

First, Labor will proceed with its amendments to limit the operation of the register to a not-for-profit organisation or government agency. Telstra has never operated a register such as this. In fact, as the Senate inquiry heard, no for-profit corporation operates a cancer screening register anywhere in the world. The register is far too sensitive to be used as a guinea pig for Telstra's foray into health. It will contain extremely private health information that has never been handed over to a for-profit company before. This information includes a person's Medicare number, Medicare claims information, preferred GP or other health provider, human papillomavirus vaccination status, screening test results and cancer diagnoses. So Telstra will know things like whether a person has cervical or bowel cancer or has a precursor to cancer or genetic markers that may lead to cancer, whether a woman has had a hysterectomy or partial hysterectomy or whether a person who identifies as a man is biologically a woman and has a cervix.

The Senate inquiry revealed that the Australian Medical Association, the Royal Australian College of General Practitioners and other experts share Labor's concern about outsourcing the register to a for-profit corporation, so Labor's amendment provides that the new National Cancer Screening Register can only be operated by a government or not-for-profit organisation. This amendment would still allow the register to be operated by one of the government agencies or not-for-profit organisations that have successfully managed the existing registers: the Commonwealth Department of Human Services, which operates the National Bowel Cancer Screening Program register; a state or territory agency, like those that operate most of the existing registers for the National Cervical Screening Program; or a not-for-profit organisation like the Victorian Cytology Service, which operates the Victorian and South Australian registers for the Cervical Screening Program. The Senate inquiry heard evidence that one of these organisations could deliver the register on time, from 1 May 2017.

Second, Labor will move an amendment to ensure that individuals are notified when their most sensitive health data is breached. Under the government's draft legislation, if and when there are data breaches Telstra only has to tell the Department of Health. We understand the government will now accept Labor's amendment to ensure that the Privacy Commissioner is notified of breaches—another improvement to the legislation that resulted from our 'hysterical tirade'.

But that is not good enough. Individuals deserve to be told if their most private health information is accessed inappropriately. So Labor's amendment will mandate disclosure of data breaches to affected individuals. The government will argue that the Privacy Commissioner can notify individuals if he chooses. But, again, that is not good enough. Individuals must be told. This is consistent with Labor's position across all portfolios. The government says it agrees but is dragging its feet on the mandatory disclosure legislation. Recently, when sensitive Medicare and PBS data was breached, the government took weeks to come clean.

Third, Labor will propose an amendment to increase the penalty for unauthorised use or disclosure of information. Under these bills, the penalty for recording, using or disclosing information without authority is only $21,600. That is a drop in the ocean for an organisation
like Telstra, which reported profits of almost $2.1 billion in the six months to 31 December 2015.

A former secretary of the health department, Stephen Duckett, has said:

The automatic consequences of release of data – inadvertent or not – must be made so great that any risk-management matrix will ensure the organisation and its managers always have patient privacy at the forefront of their mind.

Even stakeholders that are generally supportive of the government's legislation, such as Pathology Australia, have called for a review of the fines for offences to ensure that they are appropriate deterrents.

Labor's amendments would increase the penalty for unauthorised use or disclosure of the information, from 120 penalty units—about $21,600—to 600 penalty units, which would be $108,000. Under the Criminal Act 1914, a court can impose a penalty of up to five times that amount on a corporation. So if Telstra is the registered operator, it could be fined up to $540,000 for breaching the legislation. Again, the government will argue that the privacy commissioner can seek tougher penalties. But this should not be discretionary; if individuals or organisations inappropriately use Australians' most sensitive health data, they should be punished severely and automatically. Labor will also propose an amendment to ensure the Commonwealth will continue to be the custodian of data in the register. The explanatory memorandum states:

Although the Bill does not address issues of ownership or custodianship of information, the Commonwealth will be the custodian of data in the Register.

There should be no question about explicitly outlining this in the bill as well—and yet the government is refusing to include it. This raises questions about why the government does not want to clearly state that the Commonwealth is the custodian of the data. This is a crucial point in relation to the security of Australians' sensitive information.

The fact is that this legislation reflects the government's overall approach to health and their desire to increase the role of the private sector in our health system. This bill is just another example of the government's determination to privatise our health system. At least 27 times during the election campaign, Malcolm Turnbull said that he would 'never outsource Medicare'. But that is exactly what these bills do. They put Australians' Medicare numbers and Medicare claims information in the hands of a multinational telecommunications corporation. This is a government which spent $5 million trying to privatise the Medicare payments system. Now they want to pay Telstra to store Australians' most sensitive health data. The government have proven time and time again that they cannot be trusted when it comes to health. They have delivered nothing but a track record of cuts and cost shifting from Medicare to patients—privatisation by stealth. The government remain committed to the following: the six-year freeze on Medicare rebates; cuts to Medicare bulk-billing incentives for vital tests and scans; hiking up the price of vital medicines by up to $5, even for concessional patients; and slashing the Medicare safety nets. The government have continued to put profit over patients, and this is exactly why they cannot be trusted. It is why this parliament should be sceptical of their decision to hand over the sensitive information of millions of Australians to a for-profit company.

The government insisted that the parliament had to pass these bills without scrutiny in the last sitting week. Now we know why—the legislation was a mess. Labor and the Senate
inquiry have uncovered serious flaws in the government's bills. We are glad that the
government will follow Labor's lead and fix some of those flaws. But, to truly protect
Australians' most sensitive health information, the parliament needs to pass the remainder of
Labor's amendments.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (12:18): I also rise
today to speak on the National Cancer Screening Register Bill 2016 and the related National
Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016. As Senator
Polley has said, these bills together seek to establish a national cancer screening register
which will replace the national register for the Bowel Cancer Screening Program and eight
state and territory registers for the National Cervical Screening Program.

In principle, Labor supports this initiative. As someone who has been very active in raising
funds and awareness for cancer prevention, I am an enthusiastic supporter of any initiative
that may help to save the lives of cancer sufferers. While my fundraising and advocacy has
been mainly focused on brain cancer—a cause that I think most people in this place realise I
am particularly passionate about—I understand the importance of cancer screening to detect
and treat cancers early, and even prevent them when possible. While this register will
currently hold data relating to two forms of cancer, I recognise the potential for it to be
expanded to other forms of cancer. To me, it makes sense to have a national approach to
keeping cancer screening records, removing the duplication caused by having separate state
and territory registers and allowing GPs to see a patient's entire cancer screening history, even
if the patient has moved states. I have read in the minister's second reading speech that the
bowel screening registry is paper based, which is clearly outdated and not suitable for the 21st
century.

Not only is this a unified national approach but the new national register will enable
improvements to cancer screening programs. For example, the National Cervical Screening
Program will move from a two-yearly Pap test to a five-yearly cervical screening test and the
Bowel Cancer Screening Program will be increased to two-yearly screening for Australians
aged 50 to 74. The increased screening is expected to prevent an additional 140 cervical
cancers a year, and also to prevent 300 to 500 deaths a year from bowel cancer. Essentially,
this is about better access to information. It is surprising the impact that improved access to
health information can have on the prevention of illness and, ultimately, saving lives.

As a general principle, investment in the early detection of disease and the secure sharing
of information amongst treating professionals can lead to better outcomes in treatment and
prevention. And I have argued in this place before for an expanded screening program for
haemochromatosis, a disease which can be expensive and debilitating if left untreated, but
which could potentially be easily detected and treated if we invested just a little bit of money.
I am in no doubt that these improved cancer screening programs will save many lives and
prevent a great deal of suffering. I am also hopeful that, at the same time, they will take
pressure off our acute care system, as earlier detection can lead to cheaper and less invasive
treatments.

But while Labor support these bills in principle, we do not support outsourcing the register
to Telstra. In an election campaign where the privatisation of Medicare was front and centre
as an issue—and it was no doubt an issue on which the government lost a fair bit of skin—I
am surprised that those opposite still have not learnt their lesson. Prior to the election we
heard the Prime Minister say at least 27 times that his government would never outsource Medicare. Yet this is exactly what these bills do—they put Australians' Medicare numbers and Medicare records in the hands of a for-profit multinational corporation.

Members of this government complained bitterly after the 2016 federal election about Labor's claims that they had plans to privatise Medicare. This government doth protest too much, because what they were really upset about was being found out. Despite their protestations about Labor's campaign—despite their Federal Director Tony Nutt's dummy spit at the National Press Club and their frontbench's confected cries of foul play after the election—the Abbott-Turnbull government's actions confirm time and time again what Labor has been saying about their privatisation agenda. After all, actions speak louder than words.

The government's decision to award the contract for the National Cancer Screening Register to Telstra adds to a string of evidence that they cannot be trusted to keep Medicare in public hands. We know that this government established a 20-person $5 million Medicare privatisation task force. We also know that this government told the Productivity Commission to investigate privatising all human services, including Medicare. On Monday, in the House, we had another show of the government's true colours when it comes to the issue of Medicare privatisation. They were called on to support Labor's motion for a guarantee that Medicare be kept in public hands as a universal health insurance scheme. Given the opportunity to demonstrate a commitment to public health care—to keep Medicare in public hands—not a single Liberal MP supported the Labor motion. In addition to voting against the privatisation of Medicare, Liberal MPs in the House of Representatives also voted against a guarantee: to protect bulk billing; to reverse their harmful cuts to Medicare by unfreezing the indexation of the Medicare Benefits Schedule; to reverse their cuts to pathology and diagnostic imaging that will mean Australians will pay more for tests and scans; to abandon their plans to make Australians pay more for vital medicines; and to develop a long-term agreement to properly fund our public hospitals to reduce emergency department and elective surgery waiting lists. The Liberals' failure to support our motion just goes to show that they cannot be trusted with health care, and they cannot be trusted to keep Medicare in public hands.

Our opposition to the privatisation of Medicare is based on concerns about extremely sensitive health information being handed over to a private, for-profit provider. But if the government presses ahead with its plans to award the contract to manage the national register to Telstra, this is what will happen. This is an extraordinary move. The existing registers that this new national register will replace are all managed either by government agencies, or, in the case of Victoria and South Australia, the Victorian Cytology Service—a not-for-profit organisation set up specifically to operate such registers. The information the government proposes to hand over to Telstra includes an individual's Medicare number; their Medicare claims information; the name of their preferred GP or health provider; whether they have been vaccinated for human papillomavirus, or HPV, as we know it; their cancer screening test results; and their diagnosis for bowel or cervical cancer. The explanatory memorandum to this bill reveals that Telstra will also know whether a person has a precursor to cancer, or genetic markers that may lead to cancer. They will also know whether a woman has had a hysterectomy and whether a person who identifies as a man is a biological woman and has a cervix.
If this arrangement goes ahead, it would be the first time that a for-profit corporation has been given responsibility for managing a sensitive cancer screening register. Not only does Telstra not have prior experience in managing such sensitive information, but their record when it comes to protecting customers' privacy with the information they do manage is, to say the least, questionable. As recently as 2013, Telstra had to issue a formal apology to customers after phone numbers, names and home addresses were found online during a Google search. While Telstra said that the privacy breach was 'not acceptable' they had actually been investigated by the Privacy Commissioner for two data breaches in the three years prior. In a 2011 breach, the details of almost 800,000 Telstra customers were left online for eight months, available to anyone via Google. Several stakeholders, such as the Australian Healthcare and Hospitals Association, have expressed concerns about Telstra being awarded the contract. The Australian Medical Association, in their submission to the Senate inquiry, expressed concern about 'the risks associated with awarding a contract of this magnitude to a company that has no direct previous experience in undertaking such a task'.

Given the bills open up the possibility for other cancer screening programs to be included in the register in the future, could this provide an opening for the government to sign more contracts with Telstra and allow them to take on more data—adding to the privacy risk? To quote David Vaile, the Executive Director of the Cyberspace Law and Policy Centre at the University of New South Wales:

Telstra ... is a strong proponent of big data, of open data.

They're obviously a commercial operation—they're often seeking to use personal information for uses beyond what it was originally collected for and to push the limits of privacy and data protection law.

I find it rather outrageous that, prior to the last election, the government would sign a $220 million contract with Telstra to operate the register, despite not having passed the necessary legislation. Now the government is scrambling to pass this legislation retrospectively, having already bound Australian taxpayers to this contract, without public scrutiny or consultation.

Having not seen the contract with Telstra, it leads the parliament and the Australian public to wonder what implications it has for the way the register will operate. A number of people and organisations in the health industry and in the medical profession have expressed concern about the lack of consultation with doctors, patients and other stakeholders about the development of the national register. The secretive manner in which the government awarded the contract to Telstra, without having the enabling legislation in place, raises serious questions about whether this government can be trusted to manage this process or protect the privacy of patients.

When Labor and the crossbench referred these bills to a Senate inquiry, do you know what the Minister for Health and Aged Care said? She accused Labor of a 'hysterical tirade', but the inquiry has revealed some very real concerns about the privacy issues raised by these bills. Even the government's own privacy and information commissioner has raised six concerns about the bills and made recommendations to fix them.

One of the most embarrassing loopholes in the legislation is that it allows the register to collect all Medicare claims information for people who are on the register, not just the claims information that is relevant to bowel and cervical cancer screening. This is one of the worst
examples of the kind of rushed, sloppy drafting that has exposed the government's failure to take proper care to protect and safeguard the privacy of patients.

Last week, Labor proposed nine amendments to improve the legislation. Consistent with the recommendations of the privacy and information commissioner, Labor's amendments would: limit the Medicare claims information that may be collected by the register to information that is relevant to bowel and cervical cancer screening; require the register operator to report data breaches to affected individuals and the commissioner, similar to the My Health Records Act 2012; require compliance with the framework for research that is established by the Privacy Act; provide that a breach of the national cancer screening register bills is also a breach of the Privacy Act, so that individuals have recourse to the privacy commissioner; limit the purpose of the register to anything that is directly related, not incidental, to the other purposes; and use the terminology 'opt out' rather than 'opt off', for consistency with the My Health Record system.

We also proposed three amendments to strengthen the penalties for data breaches. Various stakeholders have called for a review of the fine for offences to ensure they provide an appropriate deterrent, including those who are generally supportive of these bills. For example, the former secretary of the Department of Health, Stephen Duckett, said:

The automatic consequences of release of data—inadvertent or not—must be made so great that any risk-management matrix will ensure the organisation and its managers always have patient privacy at the forefront of their mind.

Labor proposed to increase the penalty for unauthorised use or disclosure of information from 120 penalty units, or $21,600, to 600 penalty units, which is currently $108,000.

Under the Crimes Act 1914, a court can impose a penalty up to five times this amount on a corporation. As such, if Telstra are the register operator they could be fined up to $540,000 for a data breach. We are talking here, after all, about a company which—let us not forget—made a $2.1 billion profit last financial year. Another amendment would clarify that these penalties apply to the unauthorised use or disclosure of key information as well as protected information. Key information includes details such as a person's name, address, contact details, date of birth, Medicare number and HPV vaccination statement, which are not explicitly protected by the penalties in the government's bills as they are currently drafted. A third amendment would make it explicit that the Commonwealth is the custodian of the data in the register.

Despite accusing Labor of a hysterical tirade when we moved to address the legitimate privacy concerns, I understand that the government now proposes to move a series of amendments that meet many of our demands. However, in their rush to get this legislation through the parliament, the government still cannot get it right and their legislation is full of holes. As such, Labor will be moving three amendments that the government has refused to accept. These are: our amendment to limit the operation of the register to a government agency or not-for-profit organisation, an amendment to require individuals to be notified when their sensitive health data is breached and an amendment to increase the penalty for unauthorised use or disclosure of information on the register.

With regard to the second of these amendments, we understand that the government has at least accepted Labor's amendment to ensure that the privacy commissioner is notified of breaches. The way the bills are currently drafted, Telstra is only required to tell the
Department of Health if there is a breach of their private health data. But that is not good enough. Individuals deserve to be notified if their sensitive personal information is breached. It should not be up to the Department of Health or the privacy commissioner to have to tell them.

Once again, I reiterate that Labor supports the principle of these bills. It makes sense to have a national cancer screening register, and I am looking forward to the improvements that this will bring to cancer screening—particularly as it will result in saving lives. But, once again, this process has been rushed, and it has fallen to Labor to clean up the mess that has been left by the government's shoddy drafting of these bills.

Despite the government insisting that the legislation had to be passed in the last sitting week without scrutiny, Labor and a Senate inquiry have exposed serious flaws in the way the bills were drafted. This has been the consequence of the government's desperate rush to get this legislation through the parliament. Labor understands that the contract with Telstra is for five years, with an option for a 10-year extension, so if parliament gets it wrong, we may not be able to revisit our decision until 2031. The government would not be in such a rush to pass this legislation if they had not—in their arrogance—stitched up a deal with Telstra behind closed doors four days before calling an election. An exposure of serious flaws in these bills shows that the referral of the bills to a Senate inquiry was indeed necessary to make sure it had proper scrutiny. If it was not for that inquiry, the government would not be scrambling to fix their drafting errors.

In addition to their amendments, we call on the government to also accept the opposition's amendments. Through our proposed amendments Labor are standing up for Australians and the protection of their sensitive personal health information, and we are standing up to this government's move to privatise Medicare. On Monday the Turnbull government had an opportunity to demonstrate their commitment to keep Medicare in public hands. We know they have failed that dismally. Today, they have another opportunity: they can abandon their contract with Telstra; they can support Labor's amendments to these bills; and they can ensure that the sensitive personal information of patients listed on the national cancer screening register is not handed over to a multinational for-profit corporation. If they fail to do any of that, they will be thumbing their noses at another opportunity to oppose the further privatisation of Medicare for the second time in as many days.

Senator Watt (Queensland) (12:36): I also rise to speak on this bill. I do so as a member of the community affairs committee, which conducted a hearing into this legislation in Sydney a week or two ago. As my Labor colleagues have said, and as I want to say at the outset: Labor strongly supports the establishment of a national cancer screening register. As a member of the committee, I was apprised of the benefits of this register, particularly to improve procedures around screening to make sure that we keep people alive longer—that is essentially what this comes down to. Labor also supports the improvements to cancer-screening programs that the new register will support.

But we do have concerns about the government's legislation. This register will hold Australians' most sensitive health data, like the results of cervical and bowel cancer screening, and we need to get such a sensitive matter right. So Labor does have serious concerns about the government's shambolic approach to this important legislation. On the eve of the election, the Turnbull government signed a $220 million contract to outsource this register to Telstra.
before parliament even saw the legislation. So we had a government that had not put through the legislation that was required to facilitate this register, and yet the very same government were hell-bent on rushing through and signing a contract to get this register up and running—mysteriously, on the eve of the election. You can only assume that they did so in order to have a great little campaign announcement without actually having done their homework in getting the necessary legislation in place.

Now, as we are becoming used to from the Turnbull government, we see another stuff-up. The government have bungled the bills to establish the register in their rush to pass this legislation retrospectively. When Labor and the crossbench first referred the government's bills to a Senate inquiry, the Minister for Health and Aged Care, Sussan Ley, accused Labor of a hysterical tirade. But, in an embarrassing rebuke of the government, their own Information Commissioner made six recommendations to the Senate inquiry to fix the legislation. So their very own commissioner raised concerns about matters in this legislation that were very basic privacy and data restriction matters that the government had not taken into account in drafting the legislation. At the committee hearing, even government senators, on hearing the evidence of the privacy and information commissioner, indicated that there did seem to be some benefits in considering the amendments that the commissioner proposed. Some of the loopholes identified by the commissioner were incredibly alarming. For example, the government's bills as drafted may allow the register operator to collect all Medicare claims information on people who are on the register. I well remember during the federal election that we had a bit of a debate about Medicare. Do you remember that, Senator Polley?

Senator Polley: I do remember that.

Senator WATT: You do remember that—and I think Australians remember that. We continue to hear the horrified claims from the government that Labor perpetrated a lie in saying that Medicare was going to be privatised, and here we have a very good example of the government's determination to outsource and privatise aspects of our health services by giving the contract to run this register to a private, for-profit corporation. Not only that; the way the bill is drafted has left it very unclear. It would appear that the register operator, who will be a private, for-profit corporation—that is the government's desire—will be allowed to collect all Medicare claims information on people who are on the register. I remember the Prime Minister claiming very loudly, 'This is just terrible. We're not privatising Medicare. Nothing to do with Medicare will ever go to the private sector,’ and here, in the third sitting week of the new parliament, we have the government putting through legislation which will, apparently, allow private access to Medicare claims information. Under the government's plan, this would allow Telstra to see all health services that a person has received, including in sensitive areas like mental health and sexual health. The more Australians hear about this, the more horrified they will be to think that their personal health information—really something that is just between them and their doctor—will now potentially fall into private hands. That is something that I think most Australians would not want to see.

So, last week, Labor proposed nine amendments to improve the government's legislation, and we have now dragged the government, kicking and screaming, into accepting many of those amendments. We understand the government has accepted some amendments that meet many of our demands—very practical, sensible demands. Remember, this is the same
government which said that the Senate inquiry was a hysterical tirade, and it is now admitting that it has to amend its own legislation.

Unfortunately, despite the amendments that have been taken on board by the government, this legislation remains full of holes. In addition to the Labor amendments that the government is accepting, we are going to continue on and move three amendments that it refused to accept. Labor's amendments will ensure that Australians' personal information is collected appropriately and used appropriately and that appropriate penalties are in place to protect all Australians. The first batch of amendments concerns this attempt by the government to privatise Medicare and privatise health services. First, Labor will proceed with its amendment to limit the operation of the register to a not-for-profit organisation or a government agency. I do not have a problem particularly with Telstra—they have done a great job; they are a great corporation; they provide a lot of services to Australians—but the problem is that Telstra have never operated a register like this. We took evidence to that effect in the hearing. In fact, at the hearing it was made very clear to us by a number of witnesses that nowhere in the world has a for-profit corporation operated a cancer-screening register like this. So this would be a world-first privatisation of health services in this way committed to by the Turnbull government—which, of course, is the government that is not going to privatise health services. We remain very concerned about that and the prospect of people's private health information being handed to a for-profit company.

The Senate inquiry revealed that the Australian Medical Association, the Royal Australian College of General Practitioners and other experts share Labor's concern about outsourcing the register to a for-profit corporation. So this cannot be dismissed as some ideological pursuit by the Labor Party; this is being backed up by some of the most respected voices in the health community around Australia. They share our concern and also believe that this register should be operated by a government or not-for-profit organisation.

The second set of amendments concerns mandatory disclosures. We will move an amendment to ensure that individuals are notified when their most sensitive health data is breached. I am conscious of the time, so I will not say too much more. We will be moving amendments to increase the penalties for unauthorised use or disclosure of information. One of the really great concerns is that the government continues to refuse to say that the government will remain the data custodian. The government says this in its explanatory memorandum to the bill but is not prepared to do so in the bill, which really raises some concerns. In the interests of time, I might wrap up my speech there, but I do want to move an amendment to this bill. I move:

At the end of the motion, add “but the Senate condemns the Government for outsourcing Australians' most sensitive health information to Telstra before the Parliament even saw the necessary legislation”.

Debate interrupted.

STATEMENTS BY SENATORS

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (12:45): It being 12:45 pm, we will now move to senators' statements.

Federation

Senator REYNOLDS (Western Australia) (12:45): I rise to speak about an issue that I believe is the single greatest act of national reform that we can achieve together as a nation—
that is, change is required to generate new jobs and increase national wealth in our rapidly changing world economy. That reform is reform of our highly dysfunctional federation.

I believe that today our current intergovernmental arrangements are the single biggest drag on current and future prosperity. It is not a problem that will fix itself, but it is something that very few Australians notice and even fewer discuss. However, in this place we daily see the symptoms of a highly dysfunctional federation: the perpetual, unedifying and demeaning fights between states for Commonwealth funds to pay for the services they are responsible for providing. We also see the apparent perpetual inability of politicians to get things done and the increased disillusionment and cynicism with politics and politicians in our community inquiries, where we see so many circumstances where millions of Australians fall through bureaucratic chasms. These are all symptoms, I believe, of a greater national malaise.

Australia has a magnificent Constitution—one that has served our democracy so well for the past 115 years. It is one of very few constitutions that were born out of decades of talk and very, very considered negotiations and not born out of war and conflict. Its simplicity is its greatest strength, but it is also its greatest vulnerability—a vulnerability that should never be ignored. Our own founding fathers very carefully and thoughtfully assigned specific accountabilities between state and Commonwealth governments—between sovereign governments. They did that based on which jurisdiction was best placed to deliver services to all Australians. They also very deliberately did not codify how it was to operate in practice. They left that responsibility to Australian citizens through their elected representatives—through us—to adapt and transform with changing times and changing social circumstances. But, as Prime Minister Robert Menzies wisely cautioned, there are inherent dangers for our nation if the health of these relationships and these processes that underpin our Constitution are not regularly reviewed and reformed. Sir Robert said in 1967:

... I cannot pretend that the growth of the Commonwealth power ... does not present great problems of future adjustment for both Commonwealth and States if both are to co-exist and succeed.

... ... ...

The theoretical reason is that, as good Federalists, we would not wish to impair the autonomy of the States in the important functions for which they are responsible. Clearly the strictness with which this principal is applied will depend very much on political circumstances and contemporary pressures.

But he also noted:

But the practical reasons is that the Commonwealth knows that the States are better informed and better equipped administratively and technically in relation to their constitutional functions, their 'reserved' or 'residuary' powers, and that overall efficiency would suffer from too large a Commonwealth invasion—into their responsibilities.

I have reflected a great deal on Sir Robert's cautionary note and I think sadly, today, for most Australians, if not all Australians, how prescient he was in those observations. Reform and centralisation of powers, particularly financial powers, have progressively occurred for over a century now in Australia, but rarely have we ever stopped to consider where these reforms are progressively taking us as a nation. Are they taking us somewhere better or are they taking us somewhere worse?

In politics, money is power. Today's vertical and horizontal fiscal equalisation and our Byzantine COAG processes are some of the main drivers of our national dysfunction and national economic underperformance. Our founding fathers may have been great
constitutional drafters but they were lousy with numbers and accounting in their estimation of what the cost of government would be to deliver services.

Prior to Federation it was predicted that a federal government's responsibilities would only cost 25 per cent of total national revenue and that the delivery of state government responsibilities would be 75 per cent. Today, that is reversed: 75 per cent of revenue goes to the Commonwealth and 25 to the states, and state governments now rely on the Commonwealth for over half of their budgets, which are mostly tied to Commonwealth, not state priorities.

Greg Craven wittily noted that having a Prime Minister talk about states being sovereign is akin to Vladimir Putin turning up at the Ukrainian president's house with his wife and an esky—not very welcome, indeed! But I think that, if Australia is to succeed in a highly competitive global economy as a nation, all aspects of our nation, including all levels of our governments, must be agile and innovative. They must be empowered to respond rapidly to the demands of an increasingly interconnected and disruptive global economy—one that we all live in. These are all qualities that I think most Australians would say are not inherent in any of our bureaucracies today.

So where do we start? I believe the answer lies in the most unexpected of areas and starts with an understanding of the difference between two little but profoundly important words that today are used interchangeably by Australians. Those two words are accountability and responsibility. So what is the significance of these two little words to our Federation? Benjamin Disraeli once famously explained the difference between two English words that are often used interchangeably—'misfortune' and 'calamity'. He described it thus: 'The difference between a misfortune and a calamity is this: if Gladstone fell into the Thames, that would be a misfortune. But if someone dragged him out again, that would be a calamity.' That is a wonderfully witty way of explaining the importance of the meaning between words.

Being responsible means not only being involved but being responsible for delivering a process. Conversely, being accountable means performance is actually judged on success; it means somebody can be held accountable for something happening or not happening. It is important because somewhere along our democratic journey as a nation an understanding of the difference between who is accountable for delivering the services outlined in our Constitution and who is responsible in a process sense for delivering them has been lost. I believe this is to the significant detriment of our nation. Today, it is almost impossible for any Australian to work out who is to be held accountable for individual government outcomes, which I think significantly increases the cynicism of Australians towards all of us in the federal and state parliaments.

The future prosperity and success of our nation is not predetermined, and growth is neither perpetual nor self-sustaining in a world where many countries and many societies are much hungrier for innovation, commercialisation, success and growth. To remain competitive and prosperous, we must reform Australia's Federation. But until we find a way to restore clear and transparent accountabilities to all of our sovereign governments, and the funding provisions to deliver that, we have little hope of reforming how we deliver government services to and on behalf of all Australians.

Reform of our Federation is hard, but it is possible. To do so, we must encourage all Australians to participate in the discussion and encourage and support reform. It is in all of
our interests to do so. The last government, under both coalition prime ministers, engaged in
good faith with state and territory leaders; and the conversation on Federation reform, while
not widely publicised, has already begun. I believe it is now critically important that these
conversations continue, with bipartisan support, in this chamber and in the other place. The
time to restart this process is today. I do not believe our nation can wait any longer for the
reforms that we so desperately need.

**Turnbull Government**

Senator POLLEY (Tasmania) (12:55): I am delighted to follow on from that speech.
When we are talking about accountability and responsibility, clearly those on the other side
do not understand the meaning of those words. What have we seen from the government over
the last three years and, in particular, the last year? They have been preoccupied with their
own self-importance and division; they are dysfunctional. What have they actually achieved?
Well, there are a couple of things they have achieved: a long list of ideas and a long list of
thought bubbles which, unfortunately, most of the time just burst into thin air. But on Monday
it was 100 days since the federal election—it is hard to believe; in some ways, it has been a
very long 100 days—and, as usual, the Turnbull government is still trying to figure out which
way is up. Internal division and dysfunction are rife within the Turnbull government. We do
from time to time hear that it is 'the Barnaby Joyce government'. And just recently Mr Abbott
spoke in the UK about how he is going to come back as Prime Minister. So it is not just about
what we on this side are reading in the media and what we hear around the corridors in this
place; the former Prime Minister himself says he is coming back.

But I have to say that there is nothing that demonstrates more clearly the dithering,
incompetence and division of this government than their burst bubbles. Let's take a trip down
memory lane. Let's talk about superannuation—that was one of Mr Turnbull's thought
bubbles. The Prime Minister promotes himself as an economic lion, but in fact he is just a
pussycat; and he has had more backflips than a gymnast when it comes to superannuation. In
September a journalist asked Mr Turnbull what his greatest achievement was, and he said:
'Superannuation and the big business tax cuts.' What a joke! The only problem is that
Australians are not laughing when it comes to wanting to give the big end of town more tax
cuts. Superannuation is another issue on which we have seen the backbench dictating to the
Prime Minister what the government policy should be. If he cannot control his own
backbench, if he cannot govern with the support of a united caucus, how can he govern this
country? That was another surrender, another stuff-up and another policy trashed by his own
party. We have a Prime Minister who said 'I give an ironclad commitment that we will not
change superannuation' but did not even have the courage to turn up to the press conference
where the humiliating surrender was announced. No wonder Australians are saying: 'We
voted for Mr Turnbull to be Prime Minister. Now we do not know who we have.'

Let's turn to another issue that they have stuffed up—which has affected not only my own
state of Tasmania but right around this beautiful country—and that is the backpacker tax.
What has this government done? There was another thought bubble floating in front of them.
They thought: 'Let's grab this. Let's start taxing the backpackers who come to this country!' The tourism industry depends on them. The agriculture industry depends on them. The berry
industry and fruit growers right around this country rely on them—and nowhere relies on
them more than my home state of Tasmania. So what did they do? They waited for over 12
months. They continued this whirlwind of turmoil after turmoil, not knowing which way was up. Even now, there is still division with the fruit growers in my home state. They are now saying to the fruit growers: 'If you don't accept the 19 per cent tax, then it will go back up to 32 per cent.' This government, as I said, chases those thought bubbles. Then they burst and what do we have? Nothing but turmoil in this country. We are not seeing any leadership at all—none at all.

Then there is aged care, my area of responsibility. I was at LASA's congress on the Gold Coast on Sunday. I had to sit through Minister Ley's speech where she said absolutely nothing. What she did say, though, was that the cuts that they have made—over $3 billion worth of cuts to aged care—are not cuts but savings.

**Senator Smith:** Do you oppose them?

**Senator POLLEY:** She then went on to say that she wanted to be open, transparent and honest with the aged-care sector. I will take that interjection from the other side. Release the modelling on which you base the $1.2 billion cuts to ACFI. Come into the parliament and release the modelling that you used, because the reality is that the cuts are over $3 billion, and those in the sector are saying that there could be up to $5 billion in cuts to the aged-care sector. The reality is that this sector will not be able to provide the same services and the same care to the most vulnerable people in our community—older Australians—if this government does not step up to the mark. We know the minister for health has no authority around the cabinet table. That is the reality of it. She obviously cannot stand up to her colleagues and speak up for the most vulnerable members of our community. It is a disgrace. It is something that those who are on the other side in the chamber should be hanging their heads in shame about.

As I said, we have had 100 days of this new government. What we also heard from the Prime Minister when he was asked by a journalist about what he thought his government had done over the first 100 days is: 'So far so good.' That is an unenthusiastic answer from a leader who is struggling to lead. As I have said before, it is not just us saying that this Prime Minister is struggling to lead the country; the Australian community believe that. Last month's poll was the worst two-party result since Mr Abbott was toppled by the Prime Minister. We may have a Prime Minister who can string more than three words together. In fact, most people would prefer that he actually shortened the rhetoric and speeches that he continues to give. They are hollow, just as his election commitments have been to this country.

**Senator Seselja:** The public would love it if you shortened this speech.

**Senator POLLEY:** You always know when you are touching a nerve when those on the other side come in and start interjecting. I love it because the reality is that what I am saying here today is what the Australian people already know. As I said earlier, former Prime Minister Tony Abbott has been in the UK talking to journalists, talking to conservatives and talking to anyone who will listen to him, saying that he will return to be the Prime Minister. Mr Turnbull, at the election, promised all sorts of things, but what has he actually delivered since he has been the Prime Minister of this country? He has presided over a second-rate NBN, which has gone from bad to ridiculous; an unfunded education sector; cuts to family payments that will leave many Australian families worse off; and continuous attacks on penalty rates.
I spoke before about the two bills. He is continuing to talk up and deliver what we know is his plan to privatise Medicare. We know they want to undermine Medicare. It is in their DNA; it is in their belief system that we should not have a universal health system in this country. We saw further evidence as the bills were laid on the table here today. We know they are underfunding the hospitals. I spoke yesterday about the crisis in Tasmania. Yet again at the Launceston General Hospital and the Royal Hobart Hospital, patients, elderly people in their nineties, are left waiting on the floor of accident and emergency for three days before they can have surgery. We also know that those on the other side are continuing, under Malcolm Turnbull, to increase the cost of pathology and diagnostic imaging. We know their plan for higher education is to introduce $100,000 degrees. The list goes on and on. But Australians do not want Mr Turnbull’s excuses. Australians do not want his thought bubbles. They want Mr Turnbull to show some real leadership and start leading this country, not be hamstrung and tied up to the right-wing conservatives in his party on a whole range of issues. This country cannot be run by somebody who has no ability to lead his own caucus, let alone this country. (Time expired)

**Multiculturalism**

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (13:05): Some people claim that Australia is a racist country, that there is something inherently racist in the Australian character. They point to the recent election of political parties and candidates with an overtly racist, bigoted and Islamophobic agenda. They point to racist abuse in the workplaces, on the streets of their neighbourhoods and on buses and trams, where almost half of this abuse occurs. They point to survey data that shows that one in five people living in Australia, or around 4.6 million people, have been the target of racial discrimination in the past year, and that show that nearly half of all Australian residents from diverse cultural backgrounds have experienced racism at some time in their life. They point to our history of dispossession and the lie of terra nullius. They point to the White Australia policy and the enshrined commitment to racial purity. They use these claims to justify that Australia is a racist nation. Let me be clear: that is not a view that I hold. Of course, I do remember being called a greasy wog when I was at school and, while it did not happen often and not nearly as often as in my parents' generation, those words still stung, but they were words rooted in ignorance and were usually made by kids who did not know better.

I am personally comforted by the fact that most Australians have a really positive view and experience of multiculturalism. They see it as a fundamental part of the Australian nation. There is lots of evidence to back up this claim. The Scanlon Foundation surveys on social cohesion have found a consistently high level of agreement on the proposition that multiculturalism has been good for Australia. Eighty-four per cent of Australians in 2013 supported that proposition, with support increasing to 86 per cent in 2015. Most Australians think that multiculturalism has been good for the Australian nation.

Of course, racism is not unique to Australia. Right throughout history at various times people across the world have been socially isolated, they have been marginalised, they have been incarcerated—they have been executed!—simply on the grounds of race. You need only to look at what is going on in the US right now with the US presidential election, where that repulsive creep Donald Trump effectively won the US Republican nomination on a platform of building a wall to keep out Mexican immigrants and banning Muslim immigration. So,
rather than getting into a debate about the character of the Australian nation, let's just accept
that racism is a problem here in Australia just as it is right around the world and, because it is
hateful and because it damages people, we need to do everything we can to stamp it out. That
is especially true for those of us in this place.

But to tackle it we need to understand it. It is my view that the people who vote for parties
and candidates in this place who seek to blame others—whether they be Muslims, Asians or
Indigenous people—for the problems they face do not do it simply because they are racist. I
think their decision is rooted in part in the uncertainty that comes with rapid social and
economic change. People right around the country are concerned about their future. They are
rightly concerned. They face job uncertainty. We have an economy in transition. We have
increasing digitisation and automation. Even with those people who do have a job we have
seen stagnant wage growth while costs of living continue to grow. For many of them the
aspiration of home ownership is out of reach, and they see no way out. They see rising
inequality, where the gap between the top and the bottom continues to grow. When I think
about the changing nature of work, I do worry about the disappearance of jobs that have
helped keep my family fed and clothed since my parents arrived from Italy in that great wave
of postwar migration. They were honest jobs in factories, manufacturing, trades and small
business. These same people see governments that have got their priorities all wrong. They
see governments that take massive donations from corporations. They see decisions being
made to advance the cause of special interests. They see decisions for the big end of town.

But that is not the whole story. We do need to accept that at least some of the people who
support these parties, even in small numbers, do hold expressly racist views. So the question
for us is: how do we respond, particularly when those views are ventilated in this parliament
and transmitted right across the nation? Some people say we should ignore those hateful and
bigoted voices within our parliament; that simply to respond would give those hateful voices
more power. I think it is an argument that ignores the reality that these people already have
power. These candidates and parties have been elected to the parliament. They occupy an
important place here in the parliament, some of them on the crossbench, and they already
receive unprecedented levels of coverage, some of them for their abhorrent views. In one
case, one of these people was a paid commentator for a TV network. I think doing nothing
sends the wrong message to those people who are sitting there thinking they are alone. When
you take a stand, when you call out this language, you give people the comfort of knowing
that there are many Australians who do not support those views. When Muslims across the
country heard the words and felt the hate directed at them from one of the recent first
speeches, it was our view that that message needed to be countered with messages of
welcome and respect to say, 'You are not alone'; that those views have no place in Australian
society, let alone in the parliament. Some people say that is stifling freedom of speech, but
freedom of speech does not mean we are forced to listen.

There are other people who argue that we should be talking through our differences with
the parliamentarians who hold these views. I think it is a well-meaning perspective, but it is
hopelessly naive and misguided. The idea that someone's long-held views—views that have
been validated so often by a small segment of Australian society—will somehow change over
a cup of tea and a biscuit is a triumph of hope over experience.
If we go quietly, ignoring harmful hate speech when we hear it, we tacitly give it approval and we allow it to proliferate and flourish. That is why we Greens will never be silent in the face of attacks against others who seek to make Australia their home. These are people who do so out of the same motivation as those of us who are already here. They seek nothing other than peace, security and shelter, and to get an education, experience good health and contribute to Australian society. It is our responsibility to stand with them and to take a stand against racism, against hate speech, wherever it occurs and in whatever form.

**Western Australia: Economy**

*Senator SMITH (Western Australia—Deputy Government Whip in the Senate) (13:13):*

Over the last year, one of the things that has disturbed me as a senator for Western Australia is the rather gloomy prognosis about the performance of the economy in my home state of Western Australia. I make it clear from the outset that things are far from perfect at home. I am under no illusion about the scale of some of the challenges and know that there will need to be further economic reform undertaken in order to deal with them. Likewise, I understand that there is a state election in the offing in March next year and that some of what we are seeing and hearing amounts to the usual politicking—and that is of course to be expected.

But my impression is that, as significant as some of the challenges are, some of the commentary is unduly negative. We do not need to be down on ourselves in Western Australia. The one thing we know about Western Australians is that they are tremendously resilient. We have met challenges in the past, and I am confident in our ability to meet our current economic challenges as well. Indeed, the WA state government and the Turnbull government are both working to deal with these challenges, in marked contrast to the approach of the Labor Party both here in Canberra and in WA. But I will come to that a little later. There are some aspects of WA's present economic circumstances which have been well ventilated in public discussion—most particularly, the impact the fall in commodities prices has had on our economy. But there are other aspects of the story that are less well understood, and it is those that I want to detail today.

In particular, it is time to correct the myth that the WA state government is not doing anything to deal with the challenges that confront the state's fiscal position. That is plainly wrong. Indeed, late last month we saw some very interesting data that I think is worth examining. The annual report on state finances which was released on 22 September confirmed that spending growth in Western Australia for 2015-16 was down to 2.4 per cent—the second-lowest level in more than two decades. The report also found that salaries across the general government sector grew by just 2.6 per cent in 2015-16, which represents the lowest increase in 17 years. It also highlighted that total public sector net debt came in $513 million lower than in 2016-17 and a substantial $3.6 billion lower than what was originally predicted in the 2015-16 budget forecast. Bear in mind the context in which this has been achieved: during unprecedented revenue downturns over the past two financial years. There has been a significant fall in royalty income, which is down $477 million on the 2014-15 figure.

Despite the fact that economic conditions are certainly more difficult than they were two years ago, WA's GST grant share has fallen a further $377 million on what it was two years ago. This is what I mean when I consistently say in this place and elsewhere that the GST distribution system is broken. I will not talk about it at length today—there will be other
opportunities—but suffice it to say this statistic alone makes it clear that WA's entitlement is being calculated by the Commonwealth Grants Commission using outdated data that does not reflect economic reality of Western Australians.

There has also been a $249 million decline in WA's North West Shelf grants, reflecting the significant weakening in the oil price. Yet despite these challenges, the WA state government has managed to significantly rein in spending growth. This has been done though a mix of measures that have been implemented to improve efficiency in the public service. And it has also been done whilst continuing to deliver the high-quality services that the people of Western Australia have come to expect.

Those pressures are significant. Let us remember: during the time the current WA state government has been in office, the population of our state has grown by some 400,000 people. That is almost equivalent to the entire state of Tasmania moving to the state of Western Australia. Now, many of those people were attracted by opportunities in the resources sector when commodity prices were higher, but they did not all suddenly pack up and move back from whence they came when commodity prices started to fall. Whether commodity prices are high or low, these new residents still need roads to drive on. They still need public transport services. Their children still need good schools to attend. They still need to be able to access hospital services when they are needed. They still need and deserve to feel safe and secure in their own communities.

And despite the financial challenges, the Barnett government has worked to meet this burgeoning demand. Just look at some of the results in one of those key areas of state service delivery: education. During its time in office the Barnett government has invested more than $2.8 billion on 32 new primary schools, nine new secondary schools, 15 replacement schools, 1,424 new classrooms in other schools and a host of upgrades to laboratories and workshops. And more than ever before, these are schools which are determining their own destinies. By the start of the next school year, around 83 per cent of Western Australia's public school students will be attending independent public schools. Under this initiative, the WA government has stripped away the barriers that used to shackle principals and staff from doing their teaching jobs effectively. With more autonomy, principals can hire the teaching staff that best fit their school's needs, run their own budgets and make their own operational decisions. In other words, these are schools that work for students and local communities rather than for teaching unions and bureaucrats. Perhaps this is why Western Australian students are leading the nation in the National Assessment Program—Literacy and Numeracy.

There have been other significant economic achievements. The value of business investment in Western Australia has grown by $424 billion since the Barnett government took office, compared to only $159 billion under Labor. Gross state product has grown by an average of five per cent per annum, exceeding the national average and growing WA's share of GDP to 15.4 per cent. The value of exports from Western Australia has increased by over $40 billion and, most importantly of all, around 200,000 jobs have been created.

It was heartening to see today's news regarding the Chamber of Commerce and Industry's consumer sentiment survey in which 54 per cent of respondents said they expect WA's economy to improve or remain stable over the next year. Add to this the fact that we have, for the first time, an agreement between the WA government and Canberra to finally establish a

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floor below which no state's share of GST revenue can fall. One can see that, after some dark days, there is optimism returning.

However, the election of Labor governments in Western Australia and indeed at the national level will put all this progress and all this prosperity at risk. I cannot help but notice that, while the federal Labor Party has been quick to criticise the Prime Minister's announcement of GST revenue floor, they have not actually committed to that themselves. Western Australians know what that means: Bill Shorten will sell Western Australia out at the first opportunity. And WA Labor leader Mark McGowan—a man who as education minister could not even manage to make sure there were enough teachers across Western Australia's classrooms—is hardly going to stand up for Western Australia.

I also noticed this week that the Labor treasurers of South Australia and Victoria said WA's unfair share of GST was WA's own fault. Well, I suppose they would say that. But I would be embarrassed if I were in their position—especially South Australia, which would simply go under if it were not for WA's contribution of significant GST revenue to its state coffers. Grateful as I am sure my WA colleagues are for the lectures on economic reform from state Labor governments, I would note they are coming from a state which paid $1.1 billion not to build a road, in the case of Victoria, and a state which cannot even keep its lights on, in the case of South Australia.

The one thing Western Australia cannot afford now is to hand the responsibility for managing its state economy to people who think in that way. Labor's economic program in Western Australia gives no cause for hope. Indeed, those few elements of WA Labor's economic policy we do already know about would risk crippling the WA economy. These include Labor's plans to close the gate on future onshore gas projects, closing off opportunities in an industry that has operated safely in Western Australia since 1958. They include Labor's plan to ban uranium mining before it even begins, which would cost more than 2,000 local jobs and kill an industry that could be worth more than $1 billion to WA by 2020. Add to this WA Labor's promise to reintroduce bans on GM canola, something that has been safely grown and harvested in WA over several years now, as well as other promises for additional red and green tape—(Time expired)

**Attorney-General**

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (13:23): I rise to speak on the issue of the behaviour and conduct of the Attorney-General, because this has been an issue of some focus in the media and, certainly, in this Senate. I think it is useful to remind us all of the behaviour of this Attorney-General, not just on this occasion but over a period of time.

The Attorney-General is the first law officer of the land. This means he should defend and promote Australia's legal system, and that he should support the independence of our courts and of senior statutory office holders within the legal system. It means he should set an example of ethical standards, personal integrity and basic honesty. And, of course, like all ministers, the Attorney-General should not mislead the parliament or the public. Regrettably, Australia's Attorney-General has failed to meet these fundamental obligations of his office.

This is the Attorney-General who not only failed to defend the President of the Human Rights Commission when she was subject to political bullying; he then tried to induce her to
resign her office. This is the Attorney-General who stood here and told the world that it was okay to be a bigot. This is the Attorney-General who deliberately delayed correcting the parliamentary record about the letter to him from the Lindt cafe gunman, Man Monis.

And now we have Senator Brandis's latest demonstration that he is not fit to be Attorney-General. He has attempted to undermine the independence of a senior statutory office holder, the Solicitor-General, and then he has attempted to mislead the parliament about his conduct. Now, as is his wont, Senator Brandis seeks to brush off this matter. Frankly, that is typical of a man who seems to regard ministerial standards and ethical conduct as mere nuisances.

The Attorney-General's conduct concerning the Solicitor-General is not trivial. It represents a major attack on the independence of the Solicitor-General. It puts at risk the quality of legal advice to government departments and agencies as they develop policies, implement legislation and defend the Commonwealth's legal interests. The minister whose job it is to uphold the law has been exposed as flouting the law by failing to comply with the legislation's requirements to consult before making a legislative instrument. And, finally, the Attorney-General has been caught out breaching one of the most fundamental requirements of our democratic system of government: ministerial accountability to the parliament.

This matter started when Senator Brandis made an amendment to the Legal Services Directions in May. The Legal Services Directions set out rules and requirements for the performance of Commonwealth legal work. Senator Brandis's amending direction bars the Solicitor-General from providing legal opinions or advice to anyone in government without the Attorney-General's permission. It prohibits any Commonwealth agency or officer from referring a question of law to the Solicitor-General without the written permission of the Attorney-General, Senator Brandis. This is a blatant power grab. It is a bid to control the flow of legal advice from the independent Solicitor-General to government departments and to senior figures in the government.

And remember just who is making this power grab: the same Attorney-General who failed to seek advice from the Solicitor-General on the constitutionality of a raft of amendments to the government's foreign fighters' citizenship legislation and the same Attorney-General whose mishandling of marriage equality has been exacerbated by his failure to seek advice from the Solicitor-General about the government's proposals at critical points in the process. It appears that Senator Brandis is of the view that the only legal opinion anyone could ever need is his opinion. And he continues to fail to disclose fully the facts to this Senate. We saw that yesterday in question time, when he was asked why he did not make clear to the Senate in debate on the citizenship bill that the Solicitor-General had not been asked to look at the bill that was introduced. And, again, he obfuscated. It is quite clear from the Solicitor-General's letter that the evidence he gives about his involvement is not what this Attorney-General said to the chamber. His actions demonstrate how monumentally arrogant and, frankly, deluded this Attorney-General has become.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Seselja, a point of order?

Senator Seselja: Yes, thank you, Mr Acting Deputy President. Standing order 193, on the rules of debate, talks about offensive language and imputations against members. Senator Wong has made those imputations just now against the Attorney-General. She should withdraw.
The ACTING DEPUTY PRESIDENT: There is no point of order.

Senator WONG: The substance of the amendments to the directions is bad enough, but the senator—the Attorney-General—has also misled parliament. He told the Senate he had consulted the Solicitor-General over the amending direction, and he said that repeatedly—in a written explanatory statement and in answers to opposition questions. But the Solicitor-General says something quite different—completely different. He has made it clear that he was never consulted by the Attorney-General. I will quote from his submission to the legal and constitutional affairs committee:

Since the Direction was made, I have written to the Attorney-General and written to, and met with, the Secretary of the Attorney-General's Department to ascertain why I was not consulted about the Direction. I have also taken steps to have the Direction withdrawn and for a proper consultation process to commence. All those steps to date have proved futile.

...  ... ...

... any consultation that may have occurred in relation to the Direction did not occur with me ... I had no advance knowledge that the Direction would be made, no notice of what would be in the Direction and no opportunity to put a submission to the Attorney-General or the Attorney-General's Department as to my views on the legality or merits of the Direction.

He says:

... I was not given an opportunity to comment on the content of the Direction.

And he says:

... there was no consultation with me at any time.

It could not be clearer. This is an open-and-shut case of misleading the Senate. Remember the substance of what is occurring is effectively a power grab—a power grab by this Attorney-General, who wants to close off the avenues of independent advice that he may not like. This is an open-and-shut case of misleading the Senate.

Regrettably, as I said, this is not the first time Senator Brandis has acted in this way. The catalogue of misleading and deceptive conduct by Senator Brandis is a very lengthy document. It includes: claiming to have consulted the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, before establishing the Don Dale royal commission, when no such consultation had occurred; giving the wrong information to parliament about the letter to the Attorney-General from the Lindt cafe gunman, Man Haron Monis, and, when made aware of this fact, delaying correcting the record for three days; failing to defend another independent statutory office holder, the President of the Australian Human Rights Commission, from political attacks and bullying; offering an inducement to the President of the Human Rights Commission to quit her position after the commission issued a report criticising government policy; failing to seek advice from the Solicitor-General on a raft of amendments to the foreign fighters' citizenship legislation; openly breaching cabinet rules by disclosing publicly the contents of a cabinet debate on national security legislation; seeking to remove the Racial Discrimination Act's protection against speech that offends, insults or humiliates people on the basis of their race; recklessly freelancing on Australia's policy on the Israel-Palestine conflict and on East Jerusalem; appointing a Liberal donor to the AAT and refusing to answer questions about the conflict of interest in making such appointments; and using taxpayer-funded travel entitlements to attend the wedding of a friend.
Senator Brandis's conduct over the Solicitor-General is just the latest in a long saga of misleading statements, attacks on independent office holders, breaches of ministerial standards and, frankly, poor conduct. His track record is one of evasion, of slipperiness, of belligerence, of dishonesty and, I am sure if you ask Senator Abetz, of disloyalty. It is time for this Attorney-General to go before he does any more damage to the legal and political systems in this country. He is now not only bringing himself into disrepute but also he is bringing his office into disrepute, he brings his colleagues into disrepute and he brings his government, this government, into disrepute.

If Senator Brandis does not have the decency to stand down the Prime Minister should remove him, because it is the Prime Minister who now has to recognise he has an Attorney-General who is not trusted by the profession and not trusted by the Australian community to be the first law officer of the land.

Australian Greens

Senator ROBERTS (Queensland) (13:33): As a servant to the people of Queensland, I rise in the house today for a most pressing and important issue: the threat posed to this great nation by the Australian Greens. Our great country has never faced a greater challenge to its sustainability, prosperity, health and wellbeing than the policies and core platform proposed by the Australian Greens' agenda. So terrible are these policies that my humble view is that we must urgently, as a nation, turn our attention to the details of the policies that are proposed by this political outfit.

Recently, I wrote to fellow Queensland Senator Larissa Waters—the Greens co-deputy leader, spokesperson for environment and biodiversity, and for mining and resources—and asked her to debate matters affecting Queenslanders and Australians—no answer. Twice in the last six years I have publicly challenged her to a debate and twice she has refused.

We have much to debate, Senator Waters. Queensland and Australia need you and your party to articulate your policies and explain why you are really anti-environment, anti-Australian, anti-jobs and pro-poverty. The topics where we need an honest explanation from you include bread and butter issues that are being talked about around kitchen tables across Australia and Queensland. We need a few explanations. I have a few 'explains'. Let us look at the issues that you must explain.

Senator Waters, how do you reconcile the failed renewable energy policies that have cost jobs and increased the costs of energy for Australia's poorest citizens? Note that these renewable energy prices have dramatically raised electricity prices directly creating unemployment, and nowhere is this more obvious than in South Australia—a state crippled in its manufacturing. At night when the wind farms, the wind generators and the wind turbines are turned off because they cannot handle the wind, and there is no solar energy, lack of energy security in a storm means South Australia is stuck with no energy. Its energy security is at stake. Then there is electricity reliability. There is a huge variability in electricity generation from wind farms and these contribute to destabilising electricity generation circuits and distribution circuits. Renewable energies are a recipe for disaster in Australia and yet you are pushing them more.

Please explain how you could possibly oppose the Adani Carmichael mine and why you hate Aussie workers and job creation for Central Queensland. The Adani mine will create
thousands of jobs, and that is very humanitarian in its approach. It will alleviate poverty globally. It is necessary to have cheap energy to drive electricity that is accessible to all people around the world, and coal is the first step in doing that. India is the dramatic example of what is happening over there with the provision of cheaper electricity.

The Carmichael mine stands to improve the environment globally, because not only is carbon dioxide of no harm to the climate and the environment, it is of benefit to the climate. With cheap energy, Indians will be able to focus on productivity, and with productivity comes prosperity and with prosperity comes protection of the environment. That has happened in the West. It must happen in India to protect the Indian environment and the environment in other poorer countries.

What empirical evidence do the Greens have that humans are causing climate change by the use of hydrocarbon fuels such as coal, oil and natural gas? The Greens need to prove four simple steps before they can claim their nonsense about humans causing climate change. The very first thing the Greens must do is demonstrate with empirical evidence—that is, measured data and physical observations—that temperatures are rising, are continuing to rise and are doing so unusually. The empirical evidence shows that there is nothing unusual occurring with the temperature. The empirical evidence shows that the same applies to rainfall, snowfall, drought frequency and severity, flood frequency and severity, and cyclone and storm frequency and severity. There is nothing unusual occurring in our temperature. The world's longest ground-based temperature record—the Central England temperature record—reveals that from the 1650s through to today we have had the normal cycle of natural warming, cooling, warming and cooling, and there is nothing unusual about the latest warming that ended 21 years ago. It shows that we have had nothing but a hiatus—a flat of temperature—in the last 21 years.

If there were a rise in temperature then the second thing the Greens would need to prove is that carbon dioxide levels in the atmosphere drive the temperature. The fact is, the empirical evidence shows that the temperature changes drive the changes in carbon dioxide levels. That also contradicts the Greens position. The third thing they would need to prove if temperatures were rising and carbon dioxide were causing it is that humans' production of carbon dioxide drives the level of carbon dioxide in the atmosphere. The fact is that the empirical data show that the level of carbon dioxide in the atmosphere is completely determined by nature and is independent of human activity. So there is no way that we can affect the level of carbon dioxide in the atmosphere. Carbon dioxide is in fact a product of the changes in temperature, and the temperatures themselves are not changing. Even if all of those things fell in a row for the Greens, the fourth thing they would need to prove is that any warming is detrimental. The fact remains, as the empirical evidence shows, that temperatures in the past have been far warmer, and those periods of warmth have generated important benefits to the environment and to humanity. Warming is not detrimental; it is highly beneficial.

So I ask the Greens: if you cannot produce the empirical evidence—and you cannot—why is it that you have a suite of policies that cause damage to humanity and destroy our precious natural environment? For example, the Greens advocate a renewable energy target of around 90 per cent to 100 per cent. Renewable energy targets of 20 per cent are driving this country bankrupt. The Greens oppose hydroelectricity. Hydroelectricity is the cheapest form of energy that will liberate people from poverty. They oppose coalmining, which is the second-cheapest
source of electricity. Their opposition there is hurting humanity. The Greens also want to levy a carbon dioxide tax, which will hurt the poor. The poor are highly vulnerable to the cost of energy. That becomes a highly regressive tax on people who are not able to afford it.

We have not yet heard from the Greens as to why they are anti-worker and constantly call for the massive and regressive rise in tax on average Australians. Their anti-worker policies kill jobs. Their anti-worker policies stop the creation of new jobs. Their anti-environment policies stop human progress. Their anti-Australia policies sell us out to global governance. That is a legacy of the policy advocated by their former leader Bob Brown.

This is a direct offer to Senator Waters: stop hiding—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Roberts, I would encourage you to direct your comments through the chair.

Senator ROBERTS: Sorry. Thank you, Mr Acting Deputy President. So, Mr Acting Deputy President, this is a direct offer to Senator Waters for her to stop hiding and join us for a debate. At the very least, have the courtesy to reply to our offer and tell us on behalf of Queenslanders why you will not debate issues of national importance. You need to explain to us why you think you are too important to debate, why you think you are above the Australian people, why you hold everyday Australians in contempt and why you stopped one of the largest and most beneficial projects to our country—

The ACTING DEPUTY PRESIDENT: Senator Roberts, I will just remind you one more time to please direct your comments through the chair rather than direct to Senator Waters.

Senator ROBERTS: Thank you, Mr Acting Deputy President. I thought I had covered that by doing it once, but I understand. I am new to this. Thank you. The Greens agenda is blindly accepted by some media and has been warmly embraced by the Labor Party since the 1980s. Listening to government senators, we would not be surprised to learn that there are Greens party membership cards in many of their wallets. We need the Greens agenda out of the way to get Australia back on track. We need it gone so everyday Australians can finally reduce their cost of living, so we can start to protect our environment and so our economy can reach its full attention.

Through you, Mr Acting Deputy President, I would urge Senator Waters to accept my challenge and come out of hiding and have the courage, dignity and honesty to debate me publicly. Thank you.

Gold Coast

Senator WATT (Queensland) (13:43): If you ask Australians and people all around the world what their favourite place in Australia is, many will say the Gold Coast, in my home state of Queensland. I personally have many memories of great times on the Gold Coast. I have been going there since I was a kid, with family holidays at Broadbeach and early-morning trips down the highway to throw a line in the water. I did my obligatory rite of passage as a schoolie there. I have been to more Big Days Out at the Gold Coast parklands than I can remember. I saw Nirvana play at Fishermans Wharf. And I have bushwalked and swum in crystal clear waterholes in the stunning hinterland that sits behind the coast. Now as a parent I am introducing my kids to the joys of the Gold Coast, with our own family trips to Currumbin Creek, Burleigh Heads and many other places.
So it is with great pleasure that I advise the Senate of my intention to establish my Senate office on the Gold Coast. This is an important step as the Gold Coast has not had a senator's office in nearly 20 years. With over half a million residents, the Gold Coast is Queensland's second-biggest city and Australia's sixth-biggest and, as I will explain, it has been poorly served in federal parliament for far too long. Since the federal election, I have been spending even more time on the Gold Coast and, as I get around and meet everyone from business and community leaders to the average person on the street, what keeps hitting me is how much more there is to the Gold Coast than first meets the eye. The Gold Coast is world-famous for its beaches, its theme parks, and of course the well-known Glitter Strip. But it is much more than that. The Gold Coast is a huge contributor to the Australian economy, with over 12 million tourist visitors per year and its very own international airport. Beyond tourism, it is the home of Australia's leading independent bus manufacturer, and over the years I have worked with people in all sorts of industries on the Gold Coast—from software development to construction to environmental services. It has become a nation-leading education precinct with three universities, one of Queensland's largest clinical teaching and research hospitals and a specialised health sciences academy run by the state government. It is the home of the Titans, who have just made their first finals series in years, and the Suns, a young team on the up. The Gold Coast arts centre has terrific shows and gallery exhibitions every single week, and the dining and entertainment options on the Gold Coast are second to none. And, of course, in 2018 the Gold Coast will be on the world stage as the host of the Commonwealth Games.

What a shame that this vibrant, forward-looking community is not served by similarly energetic, hardworking federal representatives. If there is one thing the Gold Coast residents keep telling me since the election, it is how let down they feel by the wall-to-wall LNP representatives they have at all levels of government—how they feel let down and ignored by the wall-to-wall sea of blue that claims to serve them as their political representatives. For, despite its many selling points, the Gold Coast has its challenges—none more important than its rapid population growth and the related need for infrastructure. But, sadly, the Gold Coast's LNP political representatives sit by and do nothing. The Abbott government refused to cough up for the second stage of the Gold Coast Light Rail network, and the Turnbull government had to be dragged kicking and screaming to cough up money to match that put on the table by the Labor state government. And now we see the Turnbull government refuse to offer the Gold Coast its fair share of funding for the critical upgrades to the M1 highway that connects the Gold Coast with Brisbane.

Not a day goes by that we do not read about or experience crashes and other delays on the M1 motorway that could be overcome with two simple upgrades to be made as soon as possible. But what does Malcolm Turnbull do? Rather than actually coughing up and doing what federal governments do, all he has on the table is 50 per cent of the funding for these two upgrades. At one level, 50 per cent sounds okay. But it is not okay when you think about the fact that just over the other side of the border, in New South Wales, the federal government is chipping in 80 per cent of the cost of an upgrade to the M1 there.

Why is it that the Turnbull government just does not get Queensland and is not prepared to pay 80 per cent like it will to New South Wales? And what do the Gold Coast's four federal representatives do? They do nothing—just as they have always done. Well, that is about to
change. With the establishment of my Senate office on the Gold Coast, residents there will at last have an ally and an advocate in Canberra. With the return of Labor to the Gold Coast, its residents, businesses and workers will not be taken for granted any longer.

**Climate Change**

**Senator McALLISTER** (New South Wales—Deputy Opposition Whip in the Senate) (13:49): I rise to address and respond to the remarks made by Senator Roberts just now, in his contribution to this debate. It concerns me deeply to hear a representative of the Australian people present in this chamber information about climate change that simply cannot be substantiated by reference to any credible scientific literature. It concerns me that at this time, so many years after we were first alerted to the dangers of climate change, we hear a representative of the Australian people deny that humans are impacting on our climate, deny that we have any obligation to address that and conflate those who seek to take action on climate change with people who would destroy our economy. Because the truth is that there are many opportunities for Australia, should we choose to take climate seriously. There are many opportunities for us in manufacturing, there are opportunities for us in renewing our energy sector and there are opportunities for us in supporting the cities in our region to adapt their own cities to those aspects of climate change that we can now no longer avoid. It is time for the Australian debate to move on from simple denialism; away from simple denialism and towards a mature conversation, not only about how we will respond to the aspects of climate change that we cannot avoid because we have left our run too late but also about how we can move urgently to decarbonise our economy and start to reap the economic benefits that come from being a leader rather than a laggard in this space.

I heard from Senator Roberts this morning that we as humans do not affect the level of carbon dioxide in the atmosphere—that these are natural fluctuations. This simply does not accord with the historical record. The historical record shows carbon dioxide and its equivalents—as a proportion of our atmosphere—climbing to highs that are unknown in the historical record, and it has dangerous implications for the stability of our climate and for global warming. What we know from the science is that a warming climate will bring about significantly more frequent extreme weather events such as storms, floods, cyclones and, indeed, in this country, fire. These are things that all Australians ought to be very concerned about.

One of the great ironies is that, while people in this chamber continue to debate the basic science—the science that was settled many years ago—business is out there getting on with the challenge of dealing with the impact of climate change on its own businesses and industries. I had the privilege before I came to this place to work in a global infrastructure firm, and I can tell you that many of the infrastructure clients that we dealt with were getting on with the job. They include people who operate roads. Some of the major road operators in this country are getting ready to deal with the fact that more intense deluges of rain occurring more frequently are likely to put significant strain on the drainage system of the infrastructure, and they are starting to make preparations to enhance the capability of those road networks to remove water arising from very extreme rain events. People who deal with transmission infrastructure, such as electricity transmission, are starting to make preparations for more frequent fire events—fire events which we know can have a very significant effect on the electricity transmission networks—and they are doing so in the knowledge that climate
change will increase the intensity and frequency of those events. Businesses involved in coastal property development are starting to think about their exposure to sea level rise and to the much greater storm surges that will come about when we have a more serious storm event under climate scenarios.

Australia has very specific risks in relation to climate. Indeed, when Professor Garnaut undertook his review of the impacts of climate change on Australia, its society and its economy, he found that Australia was much more likely than many other countries to suffer under a warming scenario. Perhaps one of the industries that are most exposed is Australia's tourism industry. We can look at it at the two extremes. We know about the damage that is being caused on the Great Barrier Reef by warming. We know that with warming temperatures comes warming waters and with that comes coral bleaching events. We know from all of the tourist operators up in the north of Australia that those warming and bleaching events have a very serious impact on our ability to draw tourists to this most amazing natural attraction, which we happen to have the stewardship of. Down south, we know that the ski fields are being critically impacted by warming, by having shorter winters and warmer winters. The ability to maintain snow cover in the Alpine area is likely to be significantly impacted should warming continue unabated. These are all serious economic impacts, and they are impacts that you would expect would be taken seriously by all senators in this chamber. They are also impacts that you would expect would be taken seriously by the government.

Unfortunately, climate action is not a focus for this government. Indeed, it spent the first years after being elected setting about dismantling all of the architecture put in place by the Labor government to deal with climate change. Unfortunately, this leaves us in a position where we have no credible mechanism to meet the targets that we have agreed to most recently in Paris in dealing with climate change—no mechanism whatsoever. I attended a hearing recently with officials from the Department of Foreign Affairs and Trade and the Department of the Environment and Energy. When officers were asked 'Where is the evidence, where is the modelling, that shows us that we can comfortably meet these targets that the government has agreed to in its negotiations in Paris?' they could not point to that evidence. They could not point to it because they have not done the modelling. I will tell you, Mr Acting Deputy President, that I was quite shocked by this response, because it struck me that a government that was assuring the Australian public that it had all of the tools in place to meet its international agreements on climate would have had at least a look—it would have instructed its departments to get in there and just check—to see whether or not the policies we have now are sufficient to get us to the targets that we have agreed to in Paris. But, no, it has not done so. This is symptomatic of the very low level of attention that this government pays to climate change.

I suspect the truth is that many on the opposite side, many on the government benches, do not themselves believe the science. It is a great shame that we still find ourselves in a position so many years after climate change was first demonstrated, so many years after the world scientific community reached consensus about the role of humans in climate change, where many members on the benches opposite cannot bring themselves to accept the science.
Pakistan: Christians

Senator ABETZ (Tasmania) (13:58): In the few minutes available I thought I would raise the plight of persecuted Christians in Pakistan. Earlier today I had the opportunity of meeting with the Chairman of the British Pakistani Christian Association in my office and then introduced him to the Minister for Immigration and Border Protection, the Hon. Peter Dutton.

The plight of Christians in Pakistan is great. In the register of countries that persecute Christians, Pakistan is at six—equal with countries such as Syria. I think that highlights the plight that they face. Their women are being raped. Their men are being sold into slavery. It is a tragedy that is unfolding and continuing in Pakistan. We as a nation give well over $40 million—I am not sure if it is $47 million or $49 million—worth of foreign aid to Pakistan. I believe we ought to be saying to the Pakistani government: 'If you want to be the beneficiary of this sort of aid then you do need to protect the minorities within your country.'

I have also invited the Minister for Immigration and Border Protection, the Hon. Peter Dutton, to consider what we can do to assist the Pakistanis who are being persecuted in Pakistan and also those who are living in Thailand, with asylum cards, to rehouse them and to provide a new home for them in Australia. It is a plight that I think everybody in this chamber and this nation should be aware of. It goes right through the spectrum of society—from Christian lawyers right down to Christian brickmakers using kilns, they are being persecuted in the most horrible manner. They deserve our support.

The PRESIDENT: It being 2 pm, we move to questions without notice.

QUESTIONS WITHOUT NOTICE

Attorney-General

Senator KIM CARR (Victoria) (14:00): This is a question to the Attorney-General, Senator Brandis. The Attorney-General, when asked in question time yesterday whether he agreed with Senator Macdonald's statement on the Solicitor-General, advised the Senate that he was not aware of that statement. I ask the Attorney-General: have you, Attorney-General, forgotten that you were asked about the same matter—Senator Macdonald's statement—in a television interview only seven hours earlier?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:00): What I said was that I had not read Senator Macdonald's speech, and I have not.

The PRESIDENT: Senator Carr, your supplementary question.

Senator KIM CARR (Victoria) (14:01): I refer the Attorney-General to the actual comments that he made on Sky News at 7.42 am yesterday, where, in response to a question about whether he agreed with Senator Macdonald's assertion, he said, 'I'm not going to associate myself with that remark'. Will the Attorney-General now repeat that position and disassociate himself from Senator Macdonald's remarks?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:01): I do not have a transcript of the interview with Sky News; however, I do have a transcript of my answer to the question yesterday, which has been given to me. What I said yesterday, so you can have the full remark, is this:
I did not see or read Senator Macdonald's speech, and I do not comment, as a matter of practice, on speeches that I have not seen or read.
That is the case.

The PRESIDENT: Senator Carr, your final supplementary question.

Senator KIM CARR (Victoria) (14:02): Given that the Attorney-General was clearly familiar with Senator Macdonald's attack on the Solicitor-General, why could he not provide a straight answer to the Senate? Is this yet another example of the Attorney-General being slippery with the facts?

The PRESIDENT: A point of order, Senator O'Sullivan.

Senator O'Sullivan: It is the same one, and I am going to persist in making it: the term 'slippery' has connotations—I researched it overnight—and I ask that they withdraw those references.

The PRESIDENT: My answer will be the same as to that point of order yesterday. Whilst I am not regarding it as being unparliamentarily, it is borderline.

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:02): It was the case yesterday, when I told the Senate I had not seen or read Senator Macdonald's speech, that I had not.

Senator Kim Carr: You were aware of it!

Senator BRANDIS: That is not what I was asked, and that is not what I said. It is still the case that I have not seen or read Senator Macdonald's speech.

Economy

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:03): My question is to the Minister for Finance, Senator Cormann. Can the minister update the Senate on the government's plans to facilitate the successful transition of the Australian economy from recent resource investment driven growth to broader drivers of growth in a more diverse economy?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:03): I thank Senator Bushby for a policy related question. The Turnbull government is getting on with the job of implementing our national economic plan for jobs and growth. Our economy is an economy in transition. After a period of unprecedented and historic record investment in construction activity related to our resource sector, we do need to transition into a more diversified economy with broader drivers of growth. A key component of our national economic plan for jobs and growth is to ensure that our tax system is more growth friendly.

Today the Senate voted to pass the Turnbull government's personal income tax cuts: tax cuts for hard-working families across Australia providing incentive for 3.1 million hard-working Australians to work harder and make that extra effort without being penalised by a higher tax burden. We would like to thank the Labor opposition, One Nation and other representatives in the Senate for joining in with the Liberal-National Party government's commitment for lower taxes for hard-working families. But there is more work to be done in order to ensure that our economy can successfully transition to a stronger, more diversified economy. We need to ensure that we have a more competitive business tax rate. We need to
ensure that the parliament and the Senate also pass our Ten Year Enterprise Tax Plan, which will deliver tax cuts initially for 3.2 million small businesses that employ 5.5 million Australians. All businesses with an annual turnover of less than $10 million would, of course, benefit from a reduced corporate tax rate of 27.5 per cent from 1 July 2016 onwards, and over time that would be rolled out to more and more enterprises and larger businesses. *(Time expired)*

**The PRESIDENT:** Senator Bushby, your supplementary question.

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:05): Can the minister explain how the enterprise tax plan will stimulate investment, especially by small- and medium-sized businesses, in new jobs, higher wages and improved living standards for hard-working Australians.

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:06): It is well understood by all credible economists that a lower, more competitive business tax rate will help attract additional investment into business activity in Australia. It will help to boost productivity. It will help to generate more jobs. And, over time, it will help to increase real wages. 'Do not take my word for it'—that is what the opposition leader, Bill Shorten, used to say. That is what the shadow Treasurer, Chris Bowen, used to say. That is what the shadow assistant Treasurer, Andrew Leigh, used to say. That is what Paul Keating used to say—and, indeed, that is what Paul Keating actually did. We know that for purely base political reasons—in the shadow of an election—the Labor Party took a different view, in the context of this election, but we call on the Labor Party to reconsider the national interest and to reflect on what they stood for in the past. In the past none other than Bill Shorten, Chris Bowen and, indeed, Senator Wong argued that a lower, more competitive business tax rate will help attract investment and generate more jobs. *(Time expired)*

**The PRESIDENT:** Senator Bushby, a final supplementary question.

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:07): Thank you, Mr President. Can the minister update the Senate on any other measures the government is pursuing to create jobs and improve living standards for all Australians?

**Senator CORMANN** (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:07): The Turnbull government's efforts to make our tax system more growth friendly are of course only one component of an overall national economic plan. It also includes our commitment to support innovation and start-up businesses. It includes our very comprehensive Defence industry plan, which supports local high-end manufacturing, and which is competently led and implemented by my very good friend and colleague Senator Payne and her colleague, and our colleague, Minister Pyne.

We are continuing to roll out export trade deals with key countries around the world in order to help facilitate—in order to help Australian exporting businesses sell more Australian products and services into key markets around the world, helping to generate more jobs and, of course, drive stronger growth. Our record investment in productivity-enhancing infrastructure—all of these—our deregulation focus and, of course, Senator Sinodinos led the charge in relation to that— *(Time expired)*
Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:08): My question is to the Attorney-General, Senator Brandis. I refer to the censure of the Attorney-General passed by the Senate on 2 March 2015 for behaviour including failing to defend the President of the Australian Human Rights Commission, Professor Gillian Triggs. In light of the censure does the Attorney-General now accept it is his duty as Attorney-General to defend statutory officers?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:09): Senator Wong, I had been asked by Senator Carr about some remarks made by Senator Macdonald two days ago, which, as I said, I have neither seen nor read. If what you have in mind is the Office of the Solicitor-General, I have been asked about the Solicitor-General on one occasion by Fran Kelly on Radio National last week, and I said some very gracious things about him.

Senator Cameron interjecting—

The PRESIDENT: Order on my left. Senator Wong, a supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:09): Thank you. I refer to statements made by Senator Macdonald in the Senate yesterday in relation to the Solicitor-General, including that he had 'diminished the position he holds', that his advice 'has not been all that hot' and that his submission to a Senate committee was 'terribly unprofessional'. Why did the Attorney-General refuse to defend the Solicitor-General, a statutory officer, from attacks by a government senator? (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:10): Because I am unfamiliar with the speech. I did not see or read the speech, and I have not been asked to.

Senator Cameron: George Brandis, the lying rodent.

The PRESIDENT: Senator Cameron, you will need to withdraw that comment. That was a direct accusation. It was very unparliamentary.

Senator Jacinta Collins: I thought he was quoting.

The PRESIDENT: Order! I just made a decision. I do not need any further points of order. Senator Cameron, please withdraw that remark. Senator Cameron, the way you directed that at the Attorney-General—it is the manner as well as the content.

Senator Cameron: I will withdraw, but—

The PRESIDENT: Thank you.

Senator Cameron: if I could—

The PRESIDENT: No. Just—

Senator Cameron: I just want to indicate, if I could, that Senator Brandis called the former Prime Minister 'a lying rodent', and then he defended that because he said—

The PRESIDENT: Order! Senator Cameron, resume your seat. Senator Cormann, I probably do not need assistance, unless you have something new to add. I just want to make this observation. In particular, Senator Cameron, what you did—it is sometimes what is said but it is also how it is directed, and you directed remarks that were unparliamentary towards
the Attorney-General. That is what I asked you to withdraw. You did not assist by then quoting other matters that gave context to your quote. You have withdrawn that remark. I respect and appreciate that. We will now move on. I think you had concluded your answer, Senator Brandis. I will now call Senator McKim.

Senator Wong: Mr President—

The PRESIDENT: Sorry. My apologies. I was hoping to move on to Senator McKim. Senator Wong, a supplementary question.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:12): We were all a little out of order. Thank you, Mr President.

Having refused to disassociate himself from Senator Macdonald's comments yesterday, will the Attorney-General now do the right thing and take this opportunity to repudiate Senator Macdonald's attacks on the Solicitor-General?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:12): Senator Wong, I have already explained why I have taken the position I have. To complete the record, I have now been provided with a copy of what was quoted selectively by Senator Carr from my interview with Kieran Gilbert yesterday:

Kieran Gilbert: My final question is in relation to one of your colleagues, Ian Macdonald, yesterday, accusing Justin Gleeson of playing politics with this.

The PRESIDENT: A point of order, Senator Wong?

Senator Wong: I am taking a point of order on direct relevance. I did not ask him the question Senator Cameron asked him. I asked him a different question. I asked him if he would take this opportunity to repudiate Senator Macdonald's attacks on the Solicitor-General. He is referring back to a question that has been previously asked. If he wishes to do that, he should do it at the conclusion of question time.

The PRESIDENT: Thank you, Senator Wong. I will remind the Attorney-General of the question. But I think we have to be fair and give the Attorney-General some context in which to place his answer.

Senator BRANDIS: Mr President, the reason I have approached the answer this way is: in the primary question it was falsely asserted, by taking out of context an answer to a question from Kieran Gilbert on Sky News yesterday, that I had said something and that, therefore, I had a familiarity with the speech. And that statement is incorrect.

The PRESIDENT: Thank you, Senator Brandis. I will take that as speaking to the point of order of Senator Wong.

Senator Wong: Thank you. I appreciate it, Mr President. By his own words, he just demonstrated my point of order. He is referring to a primary question that I did not ask. My primary question was in relation to the censure. He is referring to a different primary question. He cannot possibly make his answer to a supplementary relevant by referring to a question a different senator asked.

The PRESIDENT: Thank you, Senator Wong. I will remind the Attorney-General of the question. The Attorney-General.
Senator BRANDIS: So, Mr Gilbert said what I have just read and he asked, 'Do you agree with him?' to which this was my reply—and this goes to your question, Senator:

I'm not going to associate myself with that remark. I have always, as I've said before, had a courteous and professional and respectful relationship with Mr Gleeson. I regard Mr Gleeson as a very good lawyer and I don't walk away from that.

The PRESIDENT: Thank you, Attorney-General.

Asylum Seekers

Senator McKIM (Tasmania) (14:14): My question is to the Leader of the Government in the Senate, representing the Prime Minister. Minister, your government has this week been crowing about 800 days without a boat arrival. However, we do know that at least 29 boats carrying at least 740 people have been turned around at sea, to meet an unknown fate, since Operation Sovereign Borders began—and these are just the ones that your government has admitted to. We also know that it has been 800 days of misery and hopelessness for the men, women and children stranded on Manus Island and Nauru. How many interceptions and turn backs have occurred since Operation Sovereign Borders began, and what is the fate of these hundreds of people who were turned around at sea? How many have been refouled contrary to your international obligations? How many have died at sea or in the countries you have illegally returned them to?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:15): Senator McKim, I do not assume several of the premises of the multiple questions that you have asked and, even if I did, I would not be in a position to provide that information, assuming such information exists in reality. But what I can tell you—as you said in your introductory words to your question—is that it is indeed more than 800 days since an asylum-seeker vessel penetrated Australia. Therefore, for 800 days, this government, first under the leadership of Mr Tony Abbott, then under the leadership of Mr Malcolm Turnbull, has discharged the fundamental obligation of any Australian government, and that is to keep our borders secure. As a result of that, we have driven the people smugglers out of business so that innocent women and children are no longer drowning at sea. More than 1,200 people—before the policies introduced by the coalition—that we know about and an uncounted number that we do not know about drowned at sea as a result of the policies of the previous Labor government. The other thing that we know is that the number of children held in detention in Australia today is zero. I do not know what it is about the word or the number 'zero' that you do not understand. When we came into office, the number of children in detention in Australia had peaked at 1,992—that is, 1,992 to zero. (Time expired)

The PRESIDENT: Senator McKim, you have a supplementary question.

Senator McKIM (Tasmania) (14:17): My supplementary question is this: Attorney, I note your abject failure to answer the question that you were asked. I want to ask you why it is that the government is prepared to reveal exclusive details of operational matters to media outlets like The Daily Telegraph and A Current Affair when it suits you politically to do so. Why do you release that information but fail to make yourself accountable on the same issues to the Australian parliament?
Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:18): Senator McKim, I have no idea about the media reports to which you are referring.

The PRESIDENT: Senator McKim, a final supplementary question.

Senator McKIM (Tasmania) (14:18): In order to assist the Attorney, I will refer him to the embedded reporter who reported on these matters during the election campaign. The government has comprehensively failed to find a solution for the people—our fellow human beings—stranded on Manus and Nauru. We know that they are suffering incredible trauma as a direct result of this government's policies. Why will you not do the right thing and bring those people here to Australia so we can look after them properly? (Time expired)

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:19): Senator McKim, let me respond to you in two ways: first of all, you speak about people on Manus Island and in Nauru. They are people who were put there by Kevin Rudd. They are people who were put there by Kevin Rudd as a result of an agreement entered into by Mr Rudd with Prime Minister O'Neil of Papua New Guinea during the short and unlamented second Rudd government.

The second observation I would make in response to your question is this: I have now been provided with some of the statistics you seek—thank you, Senator Cash. Since the commencement of this government's policy—in other words, more than three years ago—740 people from 29 people-smuggling vessels have been intercepted and returned the their country of departure. Seven hundred and forty! In the previous five years, there were more than 50,000.

Australia-Singapore Comprehensive Strategic Partnership

Senator IAN MACDONALD (Queensland) (14:20): My question is to the Minister for Defence, Senator Payne. I ask the minister to update the Senate on the Australia-Singapore Comprehensive Strategic Partnership agreement reached between Australia and Singapore that was so widely and warmly mentioned by both His Excellency the Prime Minister of Singapore and by the Australian Prime Minister at this morning's historic address by the Singaporean Prime Minister.

Senator PAYNE (New South Wales—Minister for Defence) (14:20): I particularly thank Senator Macdonald, a fast and firm representative of North Queensland in this chamber, for his question because this does pertain significantly in defence terms to North Queensland.

It was in May this year that the Turnbull government announced that Australia and Singapore would jointly develop military training areas and facilities in Australia, enhancing Singapore's training opportunities. We agreed to grant Singapore enhanced access for unilateral land training from the current six weeks per year to 18 weeks and from the current number of 6,600 troops to 14,000 troops per annum, effectively trebling their access. It was a great pleasure for me to visit North Queensland after those announcements to meet with community and business leaders in the Rockhampton and Townsville areas to discuss the implementation of the CSP as it will progress over the coming years.

Ultimately, Singapore will invest about $2.25 billion in Australian training areas to upgrade these facilities. Approximately $1 billion is to be invested at Shoalwater Bay Training Area and similarly at the Townsville Field Training Area and its environs. Today, as
Senator Macdonald said, we are very pleased to welcome Prime Minister Lee Hsien Loong to Canberra as well as a delegation of his senior ministers—the ministers for defence, the Minister for Trade and Industry and the Minister for Foreign Affairs. We were indeed fortunate to hear Prime Minister Lee's historic address to the parliament this morning—the first of a Singaporean leader. Tomorrow both prime ministers will witness the signing of the first tranche of the initiatives under the comprehensive strategic partnership—and I particularly look forward to signing the defence initiative—a partnership that will deliver practical benefits on trade, defence, innovation, education, law enforcement and cultural exchange.

The PRESIDENT: Senator Macdonald, a supplementary question.

Senator IAN MACDONALD (Queensland) (14:22): I thank the minister for that answer. I am interested in the defence element of the partnership. Could the minister could give the Senate some more details of the strategic and economic benefits of the comprehensive strategic partnership as it relates to defence?

Senator PAYNE (New South Wales—Minister for Defence) (14:23): I thank Senator Macdonald for his supplementary question. As we outlined in the 2016 Defence white paper, the Turnbull government is very focused on increasing Australia's international defence engagement to further develop our international partnerships, including with our allies and partners. The CSP will particularly enhance our defence engagement through five areas: enhanced training area access and joint development of facilities; military and civilian exchange postings; new training initiatives and greater collaboration; greater intelligence sharing; and expanding our science and technology cooperation. And we heard today that Prime Minister Lee is particularly interested in this area. This will enable greater interoperability between our defence forces as well as enhancing regional stability and security. It will also deliver significant economic opportunities for the Townsville and Rockhampton regions. As Singapore's training presence increases, the demand for support services and opportunities for local businesses will also expand. (Time expired)

The PRESIDENT: Senator Macdonald, a final supplementary question.

Senator IAN MACDONALD (Queensland) (14:24): Again, I thank the minister for that news, which is very exciting for Townsville and Rockhampton. Minister, how else is the government strengthening its bilateral defence relationships in Singapore?

Senator PAYNE (New South Wales—Minister for Defence) (14:24): We have very strong bilateral relationships with Singapore already, and we are going to continue to progress that very long history. They are our most involved defence partner in South-East Asia. This is reflected in multiple defence dialogues, as well as bilateral exercises. These include Navy Exercise Singaroo, Army exercises Matilda and Dragonball, Air Force Exercise Churinga and joint Exercise Trident. We also participate in some extremely important and constructive multilateral exercises—particularly Exercise Pitch Black and currently, under the Five Power Defence Arrangements, exercises such as BERSAMA LIMA, which is literally underway as we speak—as well as our personnel exchange programs, education and training, and cooperative efforts in science and technology, capability and intelligence. We will continue to strongly support current Singaporean unilateral training in Australia as we progress to the arrangements under the CSP. In fact, Singapore's major annual unilateral training activity, Exercise Wallaby, is underway at Shoalwater Bay as we speak. (Time expired)
Water

Senator XENOPHON (South Australia) (14:25): My question is to the Minister representing the Minister for Agriculture and Water Resources, Senator Canavan. I refer to the front-page report in the Adelaide Sunday Mail by Lauren Novak on 9 October that SA Water has commissioned a feasibility study into the development by a Spanish consortium to control 20 gigalitres of recycled water annually to develop greenhouses in the Virginia region north of Adelaide. This is double the 17 gigalitres currently used in the region by up to 3,000 local growers. Peak industry body AUSVEG SA and the Horticulture Coalition of SA have raised serious concerns that giving the water rights to a single consortium could lead to massive market distortions and job losses in that region. Given that the federal government is funding the SA government's feasibility study, can the minister advise whether the study will consider alternative models for the development of the use of the water, including giving local growers a chance to bid for the water by an open and transparent market mechanism?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:26): I thank Senator Xenophon for his question and for his notification of this question. As I am sure the senator would know, and as the federal government believes, the northern Adelaide region is a premium horticultural area with great prospects. That is why the federal government is supporting a feasibility study into further water use in that region to help investigate what those options might be. The allocation of water in the Northern Adelaide Irrigation Area will of course be a matter for the South Australian government. However, we would expect this to be a comprehensive feasibility study that will investigate viable alternative options so that it can compare the cost of one option against another.

I understand from the South Australian government that the proposal that has been put forward to us could generate hundreds of jobs and hundreds of millions of dollars in potential income per year. That is why it is right and proper to investigate this particular proposal. The federal government, under this fund, is looking for projects that will help improve water security, reliability and efficiency to ensure that we can take advantage of growing more food and employing more people in our agricultural area.

The PRESIDENT: A point of order, Senator Xenophon?

Senator Xenophon: It is a question of relevance. The question is: are alternative models for the development of the use of the water being considered by the feasibility study? We know that there is a feasibility study; we just want to know whether alternative models are being considered rather than this single overseas consortium.

The PRESIDENT: Thank you, Senator Xenophon. I remind the minister of the question.

Senator CANAVAN: As I indicated, we would expect that to occur. The feasibility study is being conducted by the South Australian government. The details of what they are doing are a matter for the South Australian government. But the Australian government expects viable alternative options to be considered and that information will be provided on an informed choice about what options may be funded down the track—which is of course a separate decision from a feasibility study itself. The details of the feasibility study are a matter for the South Australian government. There does seem to be great promise in this work—and that is why we are funding it—but there is of course more work to do.

The PRESIDENT: Senator Xenophon, a supplementary question.
Senator XENOPHON (South Australia) (14:29): Given that the federal government does not know what the scope of the feasibility study is, will the government heed the concerns of local farmers like Thang Le, who have said that many existing producers are reluctant to expand their business because of the uncertainty of where the extra water may go—especially to a consortium that could swamp and distort the local horticultural market—and will the government insist that any feasibility study look at the potential impact on local growers?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:29): Again, Senator Xenophon, we would expect this feasibility study to consult with those growers. I would note that, as in the article that Senator Xenophon mentioned in the primary question, some of those growers have written to the South Australian government. Obviously, they have written to the South Australian government, but I would expect the minister there to be considering those issues and particularly in reference to this particular study. But it is being conducted by the South Australian government, notwithstanding that we are providing funding to it. With any particular investment that may be made subsequent to the feasibility study, we would of course consult widely before we did so. I would also note that some of these areas, of course, have been affected by the storms and floods that have occurred in South Australia over the past couple of weeks. The Prime Minister visited this region last week, and earlier this week the government announced disaster relief funding for these areas and for other affected growers across South Australia.

The PRESIDENT: Senator Xenophon, a final supplementary question.

Senator XENOPHON (South Australia) (14:30): Given that federal funds are already being used and are likely to be used more so in the future, will the government in any event undertake a separate independent study to examine the impacts of the current proposal of a single consortium controlling 20 gigalitres of water a year? And will the federal government consult widely with local growers before committing any further federal funds into this project, taking into account the best result for local industry and local farmers and local jobs?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:31): The question about further funding, of course, is a completely separate matter to the feasibility study itself. We, of course, will be awaiting the results of the feasibility study from the South Australian government before taking further steps. But of course, consistent with the Infrastructure Development Fund that we have in place, we will consult with stakeholders, we will consult with the interested parties to these developments and will make sure that investments do take into account the impacts on particular growers or particular regions. But the question about any further funding is a separate question from the feasibility study. There is obviously work to be done here under that study and we will be considering that in due course.

Resources Industry

Senator O'SULLIVAN (Queensland) (14:31): My question is to the Minister for Resources and Northern Australia, Senator Canavan. Can the minister update the Senate on the current state of the resources industry?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:32): Thank you, Senator O'Sullivan, for the question. It is good news today for the resources sector. It is good news for our country that commodity prices are improving. In a
week here in parliament which is Minerals Week—and many from our resources sector are here—we can report, and it is on the front page of the Financial Review today, that prices are increasing, that the revenue coming to this country is going up and that, potentially, our budget will improve as well, thanks to this good news. This good news in the Financial Review indicates that Australian coal companies have been able to reach agreement with Japanese customers. According to the Financial Review, the prices that have been increased are consistent with what we have seen in stock markets over the past two months—potentially more than a 100 per cent increase in coking coal prices compared with the $80 per tonne we saw only a few months ago. So this is great news for the country. If these prices were to be sustained, we potentially would increase our budget revenue by $7 billion and would increase our national income by two per cent.

There is a question about whether these prices will stay high, but it does put a lie to the fact that those out there are saying that somehow the resources industry is no longer important to our country. It is extremely important. It is extremely important to our economic growth, it is extremely important to the jobs that are created in regional areas and of course it is very, very important to the budget situation of our nation. So it is good news that the resources sector is bouncing back. It is good news that our coal is still demanded right across the world, particularly in those parts of Asia that need these resources to produce the steel that goes into products all around the world, including things like wind turbines and electric cars. All of these other types of technologies as well need this vital input from the Bowen Basin. Here in this country we have some of the world's best resources. They are well in demand and prices are increasing.

The PRESIDENT: Senator O'Sullivan, a supplementary question.

Senator O'SULLIVAN (Queensland) (14:34): Can the minister explain how the resources industry is ensuring further jobs and growth across Australia?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:34): Yesterday, not only did we have good news in terms of prices that are flowing through to investment decisions in the sector as well but Glencore announced that it would reopen the Collinsville mine in Central Queensland. That will create 200 jobs in Collinsville. It is a shot in the arm for Central Queensland. It is exactly the news that the region needs. It has done it tough in recent times, given declining prices, given the putting back of investment projects, but this decision yesterday shows that there is life in our coal industry, that there are more jobs being created and that it is a thriving industry and a very important one for Central Queensland. Over the last decade, thanks to the boom in the mining sector, employment in the mining industry has more than doubled and it now sits at around 220,000 people, and those people and their families rely on this industry for their livelihoods.

The PRESIDENT: Senator O'Sullivan, a final supplementary question.

Senator O'SULLIVAN (Queensland) (14:35): Can the minister inform the Senate how the people of northern Australia stand to benefit from recent developments in the resources industry?

Senator CANAVAN (Queensland—Minister for Resources and Northern Australia) (14:35): Last night I had the honour of giving the government's first update on its progress in implementing the northern Australian white paper. Progress is being made. We have made
announcements of more than $500 million, more than half a billion dollars, into specific roads and specific water investments across our north. They are going to help grow our north and drive the economy of northern Australia for the benefit of all Australians. One thing that is important to note from what I did last night as well is that more than half of the economy of northern Australia comes from the resources sector. Northern Australia represents more than half of our exports from Australia. A lot of those are, of course, resource exports. So northern Australia does need a strong resources sector to grow. We need a strong resources sector to grow northern Australia. Northern Australia needs a strong resources sector to grow itself. So this recent good news for the resources sector is good news for our northern Australia development plan as well, which remains on track and which is delivering results for all Australians.

Taxation

Senator LEYONHJELM (New South Wales) (14:36): My question is to the Minister representing the Treasurer, Senator Cormann. In your budget you proposed various tax increases. You proposed to increase tax on super by nearly $3 billion by 2020. Your backbenchers objected, including George Christensen, who threatened to cross the floor. You then revised your plan so as to increase tax on super by more than $3 billion by 2020. Your backbenchers were elated. George Christensen even called a press conference to declare he was 100 per cent supportive of the revised plan. Does your party room support increased taxation or do they just have difficulties adding up?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:37): I thank Senator Leyonhjelm for his question. The coalition government always supports lowering the overall tax burden in the economy where that is possible. Indeed, this morning the Senate voted to reduce the tax burden for 3.1 million hardworking Australians on average full-time wages. Incidentally, the net effect of decisions taken by the government in the 2016-17 budget is a reduction in the overall tax burden in the economy by about $1.2 billion over the forward estimates. This is clearly spelled out on page 6 of statement 4 in Budget Paper No. 1. As highlighted in the budget documents, when you exclude tax integrity measures, the 2016-17 budget reduced the tax burden by around $1.9 billion over the forward estimates.

The government did put forward in the 2016-17 budget a set of reforms to make our superannuation tax arrangements fairer and more sustainable, and in relation to less than 10 per cent of that overall package, after consultation and after feedback, in particular from Liberal and National members and senators, the government made some adjustments—in relation to less than 10 per cent of that original package. We believe that the package that is now on the table—no longer proceeding with the $500,000 lifetime non-concessional cap but instead reducing the non-concessional cap per year from $180,000 down to $100,000 from 1 July 2017—makes the superannuation tax arrangements even fairer, more flexible and more sustainable. These changes better support the aspiration of Australians to be self-sufficient in retirement.

Of course, the government does not shy away from ensuring that the cost of making these adjustments is fully offset so that the effect is not a detraction from the budget bottom line. Therefore we will not proceed with the budget measure to harmonise contribution rules for those— (Time expired)
The PRESIDENT: Senator Leyonhjelm, a supplementary question?

Senator LEYONHJELM (New South Wales) (14:39): In your 2015 budget you proposed a 32 per cent tax on working holiday-makers from the first dollar earned. Your backbenchers objected. You then announced a revised working holiday-maker reform package plan that collects even more revenue. Your backbenchers were elated. Do your party room support increased taxation or do they just have difficulty adding up?

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:39): As I have indicated before, not only does the government always support lowering the overall tax burden in the economy where that is possible; that is also our track record, in particular if you look at the most recent budget, where the net effect of policy decisions on the revenue side of the budget is a reduction in the overall tax burden on the economy. But of course that does not mean that we do not pursue reforms to improve the tax mix to ensure that the tax system is more growth friendly and also fairer and more sustainable.

We did put forward a set of proposals in relation to working holiday-makers in 2015. There were some concerns raised in relation to the original measures. The government listened to industry and stakeholder concerns and also, very carefully, to the strong representations of Liberal and National members and senators on how the proposed reforms could be improved in a way that does not detract from the budget bottom line, and that is what we have done. (Time expired)

The PRESIDENT: Senator Leyonhjelm, a final supplementary question?

Senator LEYONHJELM (New South Wales) (14:41): Minister, your new package also imposes a 95 per cent tax grab on the super of departing working holiday-makers. Minister, why not be consistent and make it 100 per cent? Your party room backbenchers will be elated!

Senator CORMANN (Western Australia—Minister for Finance and Deputy Leader of the Government in the Senate) (14:41): This measure was part of the package to offset changes that the government has made to the working holiday-maker measure that I have previously outlined. The withdrawal from superannuation is required to occur before the departing Australia superannuation payment tax can be assessed. Ensuring that the departing Australia superannuation payment tax is not 100 per cent provides an incentive for working holiday-makers to withdraw superannuation, rather than it simply becoming unclaimed superannuation and returned to government in full after a number of years. This is good for the government and it is also good for working holiday-makers.

Attorney-General

Senator STERLE (Western Australia) (14:42): My question is to the Attorney-General, Senator Brandis. When did the Hon. Brian Martin advise the Attorney-General that he intended to resign as royal commissioner into the child protection and youth detention systems of the government of the Northern Territory?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:42): It was on the Saturday morning after his appointment was announced.

The PRESIDENT: Senator Sterle, a supplementary question?
Senator STERLE (Western Australia) (14:42): I would like to refer to the Attorney-General's transcript of 1 August 2016, entitled 'Press conference with Mr Mick Gooda and Justice Margaret White', noting that the version of the transcript currently online differs from the version originally circulated. Why was the initial version of the transcript altered to exclude the Attorney-General's words, which revealed that Mr Martin had resigned on the Saturday?

Senator BRANDIS (Queensland— Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:43): I am neither aware that the transcript was put online nor aware that it was altered. But you asked me when Mr Martin told me that he was proposing to resign, and that was on the Saturday morning. I had a number of conversations with Mr Martin during the course of that weekend. I cannot tell you the day he formally was discharged from his letters patent but I assume that that was on a working day in the following week, when the Executive Council was able to meet. But when he first indicated to me that he wished to resign, or proposed to resign, was when he contacted me on the Saturday morning.

The PRESIDENT: Senator Sterle, a final supplementary question?

Senator STERLE (Western Australia) (14:43): Is this the best that you, Minister, as the first law officer of this nation, can offer Australians: the doctoring of transcripts to cover up unintentional revelations?

Senator BRANDIS (Queensland— Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:44): As I said to you, Senator, I am not aware of the fact of a transcript being posted. I am unaware of it being altered. I do not know that it was altered, but you are an honest person, Senator Sterle, so I will take you at your word that the transcript was corrected. But, as to the main point of your question—when did I first become aware that Mr Martin proposed to resign and to seek to be released from the letters patent?—it was when I spoke to him by the telephone on the Saturday morning.

International Development Assistance

Senator BACK (Western Australia) (14:44): My question is to the multilingual Minister for International Development and the Pacific, Senator Fierravanti-Wells. Can the minister advise the Senate how the government's international aid program is promoting stability and security in our region?

Senator FIERRAVANTI-WELLS (New South Wales— Minister for International Development and the Pacific) (14:45): I thank Senator Back for his question. Australia's 2016 Defence white paper identified the security and stability of Australia's immediate neighbourhood as our highest strategic priority after the defence of Australia. Australia's aid program has a key role in promoting a safe and stable neighbourhood and wider region. Our aid complements our diplomatic, trade, defence and policing activities. Our support helps our regional partners to be peaceful, democratic, well governed and to follow the rule of law.

As we know, the causes of instability and conflict can be complex. That is why Australia's aid program is well targeted where it can make the biggest difference. We work to strengthen law and order, reduce conflict, fight corruption and improve access to justice. We have a strong record, and this was very much demonstrated by the achievements of the Regional Assistance Mission to Solomon Islands, called RAMSI. RAMSI has been a Pacific success
story and over 13 years has helped to rebuild law and order institutions, stabilise government finances in that country, restore business confidence and create the conditions for development and economic growth in the Solomon Islands.

Of course, as the largest country in the neighbourhood, we are the principle security partner for our Pacific neighbours. Under our Pacific Maritime Security Program we are providing replacement maritime patrol boats to 12 Pacific island countries from 2018. Through our aid program we are also supporting neighbouring countries to counter terrorism and violent extremism.

For long-term stability, governments need to provide security as well as services and economic opportunity, and aiding priority areas enables economic growth, which in turn—

(Time expired)

The PRESIDENT: Senator Back, a supplementary question?

Senator BACK (Western Australia) (14:47): I thank the minister for her comprehensive answer. I ask if the minister could outline the importance of the government's international aid program to promoting regional security.

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:47): Regional stability makes Australia more secure. As I indicated, the Defence white paper makes it very, very clear that a stable and secure region will help Australia be more secure.

By promoting stability, our aid is actually making Australia safer. Weak and fragile states struggle to deal with transboundary health and security challenges—for example, drug-resistant tuberculosis. By helping countries meet these challenges, our aid is helping to prevent threats which ultimately affect Australia by spreading to Australia.

Of course, our stability encourages economic growth. Instability is a major constraint to growth in our region. It reverses those gains that can be achieved and sets countries back by decades.

The PRESIDENT: Senator Back, a final supplementary question?

Senator BACK (Western Australia) (14:48): To turn to aid: can the minister explain how the government's international aid program benefits Australia and our relationships in the region?

Senator FIERRAVANTI-WELLS (New South Wales—Minister for International Development and the Pacific) (14:48): Instability in our region has strategic consequences for Australia. Therefore, by working to build stable and secure societies we are helping to counter violence, we are helping to counter radicalisation and we are helping to counter transboundary threats that can affect Australians and our national security. Our programs are well targeted. About 90 per cent of our aid is directed to the Indo-Pacific region, especially in our immediate neighbourhood of South-East Asia and the Pacific.

Instability is a brake on growth. By helping to remove this brake, our aid supports economic activity in our region, which in turn leads to more trade and investment opportunities which not only benefit our neighbours but of course benefit Australians as well. By investing in the resilience of communities, we are also helping their long-term stability.
Attorney-General

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:49): My question is to the Minister representing the Prime Minister, Senator Brandis. Has the Prime Minister sought advice regarding the current conflict between Australia's first and second law officers from either the Department of the Prime Minister and Cabinet or the Attorney-General?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): Not from me. As to PM&C, not that I am aware.

The PRESIDENT: Senator Gallagher, a supplementary question?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:52): Has the Prime Minister sought any explanation from the Attorney-General himself regarding the ongoing dispute between the Attorney-General and the Solicitor-General?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:50): Senator, I do not disclose—for reasons that you will well understand—conversations with ministerial colleagues.

The PRESIDENT: A final supplementary question, Senator Gallagher?

Senator GALLAGHER (Australian Capital Territory—Manager of Opposition Business in the Senate) (14:55): Has the Prime Minister discussed the conflict between the Attorney-General and the Solicitor-General with the Solicitor-General, and has the Prime Minister expressed his confidence in the Solicitor-General?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (14:51): You are the one who raises the issue, not me, Senator. As to the latter part of the question, you are the one who raises the issue, not me. As to the former part of the question, not so far as I am aware.

Indigenous Employment

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:51): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister update the Senate on how the government is delivering on its commitment to support more Indigenous Australians into work, including through the successful Vocational, Training & Employment Centres program?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:51): First of all, I thank Senator Williams for the question and particularly thank him for helping me engage with many of his Indigenous communities in New South Wales. It was very important that we had a clear agenda. We said, 'We want to get kids into school, we want to get adults into work and we want to have safe communities.' So, quite clearly, placing Indigenous employment front and centre on our agenda was very important.

And I would like to say to those on the other side—and I know they may be bracing themselves, but in fact this is a bit of a compliment—that whilst their programs were completely messy, with the churn of change and training for training's sake, they were starting
off a reform. You get it wrong in reform, so what we have done is taken those things that did work—we all know what worked and what did not work—and we have built on them.

I think it is very important to recognise that getting into a job simply is the best form of welfare—or to move away from welfare. We all know that in anyone's life actually being able to say to someone, 'I have a job; I am independent; I am doing well,' is just so very important.

The other notion about why it was that we went away from training for training's sake—apart from the obvious issues—is that communities and individuals were saying: 'This just isn't working for us. We're getting trained, and we might be getting trained in good things, but for the things we are getting trained in there aren't any actual jobs. They might come past but they're not actually in the context of the employment space, which is just so very important.'

So we said that not only would we move away from training for training's sake but we would provide 5,000 jobs, and that is exactly what we did. They were not training jobs; they were 5,000 jobs. I had the great pleasure of being in Sydney and announcing those 5,000 jobs. Now, 70 per cent of those jobs that we announced with the Prime Minister, importantly, were those B- and C-class—those people having the most difficulty getting into jobs. This is a remarkable success. I commend this process to those opposite—*(Time expired)*

The PRESIDENT: Senator Williams, a supplementary question.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:53): Thank you, Mr President. Can the minister advise how the government's reforms to Indigenous employment programs have ended the cycle of training for training's sake and supported real employment for Indigenous jobseekers?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:53): We started off by establishing vocational training and employment—we called them VTECs. I have to say that in this game—those who have been ministers on the other side would recognise this—we normally grab other people's ideas and rename them. We actually did not even go to that extent in this policy: we simply took GenerationOne, Twiggy Forrest's idea, and we maintained his version of the name! But it does work, and it works very well.

The idea is: if you ever want to get someone into a job, do not start with training; start with the job! So we made all the focus about talking to employers and ensuring that those employers are locked in. 'Let's have a plumber'—the plumber needs a place to go to every day. He needs a broken pipe to attend to at a workplace with an employer, and that is the secret of VTEC.

To say that we have now broken that cycle—I am able to declare today that that cycle of training for training's sake is now over. *(Time expired)*

The PRESIDENT: Senator Williams, a further supplementary question.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (14:55): Can the minister explain how the government's commitment to getting Indigenous Australians into work is delivering real jobs, especially in my home state of New South Wales?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:55): Could I just take this opportunity to congratulate all of those people who are running the VTECs. These are really passionate people who come from
a background which I suspect was not engaging with employers all the time. But they have made that leap. There are people like Deb Nelson from Yarn'n in Sydney who have just done an absolutely remarkable job.

Many of the traditional areas where we have not had entry, we now have entry into: the health, transport and retail industries. What I think is the most exciting thing about not only Yarn'n but many of these processes is that they do not get paid until they deliver six months of work. They do not get a single government dollar! I think that was the challenge which those opposite understood to be the case when they started this policy off.

We now have, in terms of Yarn'n, a 91 per cent retention rate. Yes, there are some, but the churn has gone from the system. So I would like again to commend this excellent policy to this place. *(Time expired)*

**Economy**

**Senator KETTER** (Queensland) *(14:56)*: My question is to the Minister representing the Prime Minister, Senator Brandis. I refer to the Treasurer, who says that monetary policy has 'exhausted its effectiveness', and reports which indicate that the Treasurer opposes the Reserve Bank of Australia making further interest rate cuts. Is this the government's position?

**Senator BRANDIS** (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) *(14:56)*: Senator Ketter, at last—a policy question! I can always rely upon you, Senator Ketter, as a good Villanova man, to ask a decent question—unlike your colleagues. You are certainly a class above most of those who sit beside you!

I am advised by Senator Cormann that when the Treasurer made the remarks, which I myself have not seen, to which you have referred, he was merely echoing the remarks of the Governor of the Reserve Bank. But since you have raised the broader question of economic policy, it gives me the opportunity—

**Senator Wong:** It's monetary policy!

**Senator BRANDIS:** Would you stop interrupting, please, Senator Wong? It gives me the opportunity to remind the Senate of the very great achievements of the Turnbull government in the field of economic policy.

**The PRESIDENT:** Order, Attorney-General. A point of order, Senator Wong?

**Senator Wong:** Mr President, on direct relevance. The question is about the Treasurer's statement about monetary policy.

**The PRESIDENT:** I do believe the Attorney-General answered the question up-front.

**Senator BRANDIS:** Monetary policy is an aspect of economic policy, Senator Wong, as you know. But being Australia's most unsuccessful finance minister, perhaps you do not even know that!

So, Senator Ketter, in the last year our economy has created 180,000 new jobs—180,000 new jobs!—directly as a result of the Turnbull government and the administration of the Treasury portfolio by Mr Scott Morrison. During that time, Senator Ketter, since you cared to ask about economic policy, our economic growth has been 3.3 per cent, an extraordinary rate of economic growth—

**The PRESIDENT:** Order! A point of order, Senator Wong?
Senator Wong: Mr President, he has eight seconds and this is on direct relevance. There was only one question: 'I refer to the Treasurer, who says that monetary policy has exhausted its effectiveness, and reports which indicate the Treasurer opposes the RBA making further interest rate cuts. Is this the government's position?'

Senator Cormann: That isn't what the Treasurer said.

Senator Wong: I take the interjection from the Minister for Finance that that is not what the Treasurer said. If that is the government position, the Leader of the Government in the Senate should talk about that.

The PRESIDENT: Thank you, Senator Wong. I did hear the Attorney-General say at the commencement of his answer that the Treasurer was merely echoing the Governor of the Reserve Bank, which I think answered the question that was asked.

Senator BRANDIS: So that rate of economic growth of 3.3 per cent is the envy of the world. It is fast—(Time expired)

The PRESIDENT: Senator Ketter, a supplementary question.

Senator KETTER (Queensland) (14:59): I refer to the joint statement on the conduct of monetary policy released on 19 September 2016 by the Treasurer and the Governor of the Reserve Bank which confirms the independence of the Reserve Bank. Is the Treasurer's statement consistent with the joint statement?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:00): Yes, it is—entirely consistent.

The PRESIDENT: Senator Ketter, a final supplementary question.

Senator KETTER (Queensland) (15:00): Given the government has failed to address job losses in manufacturing, the lowest wages growth in decades and substantial underemployment, why is the government now seeking to increase cost of living pressures for Australians?

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:00): I am surprised, Senator Ketter, that you raise the question of jobs growth and employment statistics when, as I pointed out to you a moment ago, not only have 180,000 new jobs been created in the last year but the rate of job growth in Australia today is more than twice the rate of job growth in the last year of the Labor government—during which, of course, Senator Wong, Australia's most unsuccessful finance minister, was a member of the Treasury team. The National Australia Bank's monthly business survey has found that business confidence over the past 12 months has increased by five per cent. The ANZ's measure of confidence is at 117.5 points, which is a high level by that metric as well. Our exports, Senator Ketter, have grown and are 9.6 per cent higher today than they were a year ago. (Time expired)

Senator Brandis: Mr President, I ask that further questions be taken upon notice.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Attorney-General

Senator KIM CARR (Victoria) (15:02): I move:
That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by Opposition senators today relating to the Solicitor-General.

We, on this side of the chamber, keep returning to the Attorney's evasions on this matter because they raise fundamental questions of integrity, and questions of integrity go to the issue of fitness to hold office. In particular, no more could this be said than when it comes to the question of the first law officer of the Commonwealth. Integrity, of course, goes broader than that, to the wider legal system, which is tarnished when the principal officer lets it down.

The law is a noble profession. Some would say, of course, that it is the oldest of professions—bar one. Lawyers are sometimes denigrated as a profession, and we know that is unwarranted. The legal fraternity understands very well that duplicity will undermine public trust in the law. The late John Mortimer, an eminent practitioner at the English bar and creator of perhaps the greatest fictional lawyer, Rumpole of the Bailey, reported these remarks by his father when he was urging him to pursue a legal career,

No brilliance is needed in the law. Nothing but common sense, and relatively clean fingernails … Learn a little law, won't you?

The young Mortimer explained his father's meaning in this way:

It was my father's way to offer the law to me—the great stone column of authority which has been dragged by an adulterous, careless, negligent and half-criminal humanity down the ages—as if it were a small mechanical toy which might occupy half an hour on a rainy afternoon.

Mortimer's point was very simple: the authority of law, the great stone column, is at risk if it is undermined by those who treat legal processes and the edifice of law as trifles to be manipulated for advantage. Sadly, that is exactly what has been happening.

We have heard numerous evasions from the slippery and oleaginous advocates that we have here—and we have the chief law officer of this land, the great law lord of this land, Lord Brandis himself. The Attorney-General has usurped the Solicitor-General's capacity to provide independent legal advice to senior officers of the Commonwealth. Even the Governor-General and the Prime Minister—

Senator Ian Macdonald: Point of order!

The DEPUTY PRESIDENT: Senator Carr, resume your seat, please. Yes, Senator Macdonald?

Senator Ian Macdonald: This senator should know, having been here for some time, that you must refer to senators in their correct title. And a second point of order: can I draw the Deputy President's attention to the standing order which prohibits the reading of speeches—particularly by experienced people and particularly by people who cannot understand Mr Dreyfus's writing!

The DEPUTY PRESIDENT: Thank you, Senator Macdonald. I remind all senators to refer to senators, and others in the other place, by their correct titles.

Senator KIM CARR: The Attorney-General has misled the Senate by claiming Mr Gleeson was consulted on the changes that he had sought—

The DEPUTY PRESIDENT: Senator Carr, resume your seat. Senator Macdonald?
Senator Ian Macdonald: Madam Deputy President, I raised two points of order. One of those was the one you have addressed. I wonder if you might address the other one about experienced members reading every note of their contribution.

The DEPUTY PRESIDENT: Thank you, Senator Macdonald. I remind all senators of the standing order in relation to reading from notes.

Senator KIM CARR: The Solicitor-General has clearly advised this Senate, through its committee, that the claims made by the Attorney-General about consultation are incorrect. In fact, I think we should all be aware of this, because, on the basis of what the Attorney-General has said, any casual greeting in the corridor by this Attorney-General could be treated as consultation in the future!

What we know, of course, is simply this: we well know that this senator has misled the Senate, and we know that the misleading of the Senate is a very serious offence. This is not the first time. This is not the first occasion on which these issues have been raised. We have seen this not just in the question of the treatment of this chamber but also in the treatment of other judicial officers, such as the Human Rights Commissioner, who was simply doing her job. We know how, clearly, this Attorney-General offended the basic principles of his office by failing to defend the statutory officers in that particular matter.

What we know is that the Attorney-General has sought to undermine the independence of the Solicitor-General and his capacity to do his job properly. We know he has dissembled about that. We know that in fact this is a serious offence and that the Prime Minister should have intervened by now. If the Attorney-General does not resign, he should be sacked. We understand simply this: he will continue to undermine the integrity of our legal system and he will continue to undermine the authority of his own office unless he is brought to book for what has occurred in these matters.

Senator DUNIAM (Tasmania) (15:08): Maybe it is because I am young and new to this place, but every time I have come into question time in this chamber this week I have been continually disappointed by the tone of questions asked by those opposite. We are elected by Australians who live in hope that we might do things in the best interests of this country, that we might come in here and debate policy. But instead we have had three days of questions about something that, I have to say, I do not think most Australians are interested in; they are not interested in mudslinging that is going on from those opposite. The people who come into the public gallery and the students who come here each day for question time must be so disappointed by what they see in this group of people, the opposition, who are supposed to hold the government to account. What has been demonstrated every day this week is that the best they have got is 'gotcha politics': 'This is what someone said, we believe, and this is what someone else said'—and it does not quite match up. I do not think the Australian people think that is what politicians are here for, to be quite frank.

Those opposite have demonstrated that they are completely out of touch with average Australia, thinking that we really ought to come in here and land a blow—

The DEPUTY PRESIDENT: Resume you seat, Senator Duniam. Senator Brandis?

Senator Brandis: Madam Deputy President, can I ask your guidance about whether it is within the standing orders and within the decorum of the Senate for one senator over there—Senator Carol Brown—to continually be referring to my colleague Senator Duniam as 'laddie'.
The DEPUTY PRESIDENT: Senator Brandis, I was unaware of those comments.

Senator DUNIAM: I do appreciate the protection being offered to me in relation to some of these comments, but, as Senator McKim pointed out, I have been called worse in my time—as has every other member of this chamber, I suspect.

I have been disappointed at the questions asked every day this week—apart from one question on policy, tacked onto the end of question time today, when they thought they had scored all the political points they needed, so they ventured into the area of jobs policy. In his answer, the Attorney-General spoke about our track record on job creation. In the last year alone, there have been 180,000 new jobs under this government, with a jobs growth rate twice that of the last year of the Labor government.

Senator Sterle interjecting—

Senator DUNIAM: Thank you very much for your contributions.

All I can call this is overreach. They flew into Canberra this week thinking they were going to get a scalp: ‘We are going to prosecute this until we get what we want.’ They have gone down every burrow and split every hair. They have been semantic and pedants on every level, using up their entire time in question time every day trying to land a blow—which they have not done. They cannot prosecute this issue. They really do miss the point of why they are here, which is one of the most disappointing things about having come here and listened to them today and every day this week.

Senator Carr in his contribution just prior to mine talked about fitness for office. If you want to talk about fitness for office, I think the Australian people got it right when they returned the government to this side of the chamber and the opposition to where they should be. It is incredibly disappointing that they think this is what the people of Tasmania or Western Australia want—that they really want to hear all of these ridiculous detailed questions. Where are the questions about health and education, about our defence strategy, about what is going on with the Bass Strait equalisation scheme? Where are those questions? They do not exist. The questions we get are all about detail, insider politics, the Canberra press gallery hype about trying to knock off a minister—as I say, completely disappointing. Then, from the entire opposition, there is one question on policy right at the end. I think Tasmanians deserve better and I think Australians deserve better.

My colleagues from Tasmania have spent a lot of time interjecting on me. I challenge them to ask a question relevant to our state instead of allowing their questions committee to run these ridiculous political lines. Prove to the Tasmanian people that you want to stand up for them rather than just score political points. That is what I say to them. That is what we got elected to do. That is what senators in this place are paid well to do. I encourage the opposition, with one question time remaining this week, to talk about things that are relevant to the Australian people rather than try to score political points to get a headline here, a headline there, so they can go upstairs and do a Sky News interview afterwards. It is disappointing—I have said it a million times. I hope they lift their game.

Senator STERLE (Western Australia) (15:13): I am a bit nervous to get up after that blast. Anyway, I will help you out, Senator Duniam. I know how it works, mate—you get the call; you got a take note. Congratulations, you had a good crack! Senator Duniam and I probably have a lot in common, because I think the standard of political representation in this
nation is a disgrace, and a lot of it starts with those who have come straight out of school into a senator's or member's office as a staffer. They have never got dirt under their fingernails. They would not know what it is like to talk to a man in his mid-50s at five o'clock on a Friday afternoon who, through no fault of his own, has lost his job because of some restructure. Anyway, maybe I am getting a bit cynical and a bit old. Thank you for the advice, Senator Duniam.

The independence of the position of the Solicitor-General and the nature of the relationship between him or her and the Attorney-General of the day has been spoken about before in this chamber. What we have seen here, unfortunately, with the abuse of power, or what could be the abuse of power, at the hands of Senator Brandis with respect to his dealings with the current Solicitor-General, is nothing but appalling.

Just for a little bit of history, I am going to refer to my notes here. The office of the independent Commonwealth Solicitor-General was created in 1916 with the appointment of Sir Robert Garran. Prior to this, from 1903 to 1913, Sir Charles Powers had served as the first Commonwealth Crown Solicitor. For more than 110 years, Australia has seen independent solicitors-general give frank—

Senator Brandis: No—100 years; it is the centenary this year.

Senator STERLE: And he is at work again—100? Okay, let us go for 100. Whether it is for 100 or 110 years, Australia has seen independent solicitors-general giving frank and independent—there is that word again, independent—legal advice to the government of the day, who have respected their advice and the independence of the office. Unfortunately, this appears to have all gone out the window since Senator Brandis has become the Attorney-General. I wish I could say this behaviour is unprecedented. However, Senator Brandis has a track record of bringing his role into some disrepute, as a member of parliament and as the nation's highest legal officer.

As we have seen, a number of Senator Brandis's colleagues have come out to defend him. I do not get a giggle too often from Senator Reynolds, because there is nothing to giggle about, but I have to admit I had one yesterday when she referred to the Senate inquiry into Senator Brandis's handlings on this issue as—I quote her words not mine, through you, Madam Deputy President—a 'witch-hunt'. Senator Reynolds may see it that way, just as many of her colleagues, unfortunately, are burying their heads in the sand on this issue. But the truth of the matter is that this whole scenario is far from being a witch-hunt.

If this had been the first time Senator Brandis had slipped up with his responsibilities as a senator or as the Attorney-General then fair enough—apologise, move on, correct the record. It is not a jailable offence in Australia to make a mistake and own up to it. However, Senator Brandis's petulant attitude and ignorant reluctance to accept that he has not only—

Senator Brandis: You didn't write that, Senator Sterle—

Senator STERLE: I was thinking this aloud, Senator Brandis—misled the parliament but also damaged the reputation of the independence of the office of the Solicitor-General can be added to the long list of transgressions unfortunately perpetrated by the Attorney-General. Let us go over a few of them, shall we? Senator Brandis claimed to have consulted—and this came out yesterday in question time—the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Mick Gooda, before establishing the Don Dale royal commission, when
no such consultation occurred. Senator Brandis gave incorrect information to parliament about the letter to him from Lindt cafe gunman Man Haron Monis and, when made aware of this fact, delayed correcting the record for no less than three days. Senator Brandis failed to defend another independent statutory office holder, the President of the Australian Human Rights Commission, from political attacks and, unfortunately, bullying. The Attorney-General subsequently offered an inducement to the President of the Human Rights Commission to quit her position after the commission issued a report—

Senator Brandis: Madam Deputy President, on a point of order: I know Senator Sterle has been instructed to read out this rubbish, but the last point is a reflection on me. I point out that a complaint was actually made to the Australian Federal Police by the Labor Party in relation to that allegation and, having examined the matter, the Australian Federal Police concluded that there was absolutely no basis for that assertion.

The DEPUTY PRESIDENT: Thank you, Senator Brandis. We will check the record and report back.

Senator Wong: If I may, Madam Deputy President, in considering that, I would ask that your attention be drawn to the very clear evidence from Professor Triggs before the committee that the Attorney-General did indeed, via Mr Moraitis, arrange for an inducement to be offered for her resignation, and that evidence stands.

Senator Brandis: Madam Deputy President, Senator Wong is now reflecting. The matter was investigated, and it was found to be absolutely without substance by the proper authority.

The DEPUTY PRESIDENT: Thank you, Senator Brandis. I have undertaken to have a look at the record and report back.

Senator STERLE: Thank you, Madam Deputy President. Senator Brandis breached cabinet rules by disclosing publicly the contents of a confidential cabinet debate on national security legislation.

Senator Brandis interjecting—

Senator STERLE: I cannot believe we were such good friends 15 minutes ago, Senator Brandis, and now you are attacking me. That is very fickle. Senator Brandis famously sought to remove the Racial Discrimination Act’s protection against speech that offends, insults or humiliates people on the basis of race. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (15:20): I too rise to take note of the answers from the Attorney-General to the questions put to him regarding the Solicitor-General. I would like to pick up on a point that Senator Sterle has just made. I have a great deal of respect for Senator Sterle. I appreciate the fact that he has researched the history. The fact is that, yes, the office of the Solicitor-General was created in 1916 for the very purpose of assisting the Attorney-General in the performance of his duties, including his role as the principal legal adviser to government. What that means, if he is the principal legal adviser to government, is that he is the person who the government goes to for legal advice.

If you go to the Law Officers Act 1964—which is the law which sets out the Solicitor-General's role and functions—section 12 sets out the statutory functions of the Solicitor-General. Paragraph 12(b) provides that one of the Solicitor-General's functions is 'to furnish his or her opinion to the Attorney-General on questions of law referred to him or her by the
Attorney-General'. Except where the Solicitor-General is acting as a counsel under paragraph 12(a) of the act—which is actually irrelevant to the legal services direction which is at question here—the Law Officers Act explicitly provides only one circumstance in which the Solicitor-General may provide an opinion to the government on a question of law, and that is where the Attorney-General refers that question to him. So if we want to go to the basis of this whole discussion, which is around what has transpired and what the Attorney-General has done: he has actually issued a direction and a guidance note which reinforce a law which has been in existence since 1964.

That brings me to the point raised by my colleague Senator Duniam, which is: why are the Labor Party spending every question time prosecuting this point? I support the contention of Senator Duniam that one motivation is that they are looking for political headlines, possibly even a political scalp. It is like a pack of wolves surrounding what they hope is going to be a wounded person on the government side. That has not occurred.

There is a second reason why they would be seeking to dominate the media headlines with this kind of inside-the-Beltway argument, and that is to distract the media and the Australian public from the things that this government is doing. We have just heard today, in answers in question time from the Minister for Finance and others, that business confidence is up, exports are up by 9.6 per cent, over 180,000 new jobs have been created in the past 12 months and the rate of jobs growth under this Turnbull government is twice that of the last year of the Labor government. When I get out and speak to people in the community—and, having just been through an election, like most other senators in this place I have spent a lot of time engaging with the community, as I do on a regular basis—they are not concerned about the inside-the-Beltway issues. They are concerned about things like job security. They are concerned about future opportunities for their children.

So one of the reasons, politically, that the Labor Party do not want the media, and therefore the public, to be focusing on the achievements of the government is that they want to try and undermine the public’s faith and confidence in the Turnbull government. They do not want us to be talking about the fact that we have managed to actually start the job of budget repair by getting legislation through this place, which was supposed to be an unworkable Senate. We have agreed $6.3 billion worth of savings measures to start that progress towards budget repair. They do not want us talking about the fact that, after six years of inaction by the Labor Party on things like making decisions about Australia’s future submarine and commissioning new vessels for Australia—which has directly lead to the ‘valley of death’ in my home state of South Australia, where we are seeing workers laid off from ASC because of the lack of orders from the Labor government—we have now signed contracts with DCNS for the future submarine and we have signed contracts with Lockheed Martin to be the combat system integrator. They do not want us talking about the fact that we are taking steps to implement things like the RAND review and make strategic naval shipbuilding a long-term, sustainable option for growing skills and high-end manufacturing jobs in Australia. These are the sorts of things that this government is focused on, because these are the sorts of things that are important to our national security and to mums and dads and families and young people looking for a future. This inside-the-Beltway stuff is a waste of the Australian public’s time.

Senator KETTER (Queensland) (15:25): If one were to listen to those opposite about the Labor questions during question time, one would suspect that the rule of law is something
which they consider to be 'inside the Beltway' and something about which to score political points. We on this side of the chamber make absolutely no apology whatsoever for stridently seeking to hold the government to account on every aspect of the government's administration. When it comes to the rule of law, can there be any more grave issue for the opposition to hold the government to account over? It underpins everything.

The issue of the independence of the Solicitor-General and the actions of the Attorney-General is daily in the media. It is not just the opposition talking about this issue; it is a matter of conjecture in the media as to this unseemly and unedifying stand-off between the Attorney-General and the Solicitor-General, the nation's first and second law officers. This is not something which should be happening in the first place, and it is a great disappointment to me that we have an Attorney-General who is not seeking to uphold the independence of the Solicitor-General and, in fact, is going in the opposite direction by seeking to constrain the Solicitor-General in the advice that can be given to various aspects and elements of the government. This surely is a very important matter of public discussion. It is definitely not a matter which is 'inside the Beltway'. It goes, as I say, to so many other aspects of what is going on in our society.

We know that the job of the Solicitor-General is to provide legal advice to the government. However, somehow Senator Brandis has managed to seriously disrupt the Solicitor-General's ability to carry out the role. In fact, it can be said, as I said yesterday, that he has hobbled the ability of the Solicitor-General to do his job. To make the Solicitor-General have to obtain written approval from the Attorney-General to advise the Governor-General or indeed any head of a government department can only be described as a power grab. It undermines the important role of the Public Service in offering independent advice to government departments and it undermines the quality of the advice provided by the Solicitor-General.

Today Senator Brandis continued to undermine the Solicitor-General, by not condemning the speech made by Senator Macdonald, a fellow Queensland senator. Again, it is a matter of great disappointment to me that we have a Queensland senator involved in seeking to undermine an independent statutory officer. I heard Senator Macdonald yesterday, in interjections, and again today stating that the cause of his concern about the Solicitor-General related back to the fact that he was a Labor appointment. This, surely, is an area in which the Attorney-General should rush to the defence of the Solicitor-General. Appointments occur on both sides of politics, and for a government senator to criticise the appointment of the Solicitor-General merely because he was appointed by this side of the chamber undermines the rule of law that we have in this country.

Australians need to be able to trust their Attorney-General and we need to have trust in our Public Service. However, Senator Brandis has managed to undermine both his position as Australia's first law officer and the Solicitor-General's position as the second law officer. As a conservative, Senator Brandis is supposed to preserve our institutions, not politicise or destroy them. This is a complete mess. Australians are entitled to think, based on the mythology put forward by those opposite, that the conservative parties are the upholders of our public institutions. Unfortunately we see, yet again, that it is the coalition which is rushing to smash conventions which have underpinned our rule of law and which are so important. This Attorney-General has brought disrespect to his office. (Time expired)

Question agreed to.
Asylum Seekers

Senator McKIM (Tasmania) (15:30): I move:

That the Senate take note of the answer given by the Attorney-General (Senator Brandis) to a question without notice asked by Senator McKim today relating to asylum seekers.

Senator Brandis interjecting—

Senator McKIM: I will take that interjection from the Attorney, who I believe just said, 'Three years and no deaths at sea.' We can follow this up, and I will be following this up at Senate estimates next week, because I do not believe that you can say that, Attorney, unless you have tracked every single one of the 29 boats from the moment they were turned back to the moment they arrived safely in port somewhere else in the world. But if you are telling that your government has done that—in fact, are you telling me, Attorney, that your government is doing that? Deathly silence!

The DEPUTY PRESIDENT: Senator McKim, resume your seat, please. May I remind senators to address their remarks to the chair.

Senator McKIM: Through you, Madam—

The DEPUTY PRESIDENT: Resume your seat, Senator McKim.

Senator Brandis: I take it that instruction was directed, at least in part, at me. The reason I interjected was to respond to a question put directly to me by Senator McKim.

The DEPUTY PRESIDENT: Thank you, Senator Brandis.

Senator McKIM: I accept that I may have encouraged a response from the Attorney, but the point I am making is very clear. The simple fact is that I do not believe that the Attorney can make the statement he just made, that in three years no-one has died at sea in the context of people seeking asylum and boat turn-backs from Australia. Certainly the Attorney cannot make the claim that none of the at least 740 people who were aboard boats that have been turned back under Operation Sovereign Borders have died because they were refouled—that is, returned from whence they came in contravention of our international obligations.

This is a very significant matter, because the entire premise of Operation Sovereign Borders was to respond to what we can all agree were tragic deaths at sea, including many people who were seeking asylum in this country, and there is nobody in this place who would describe those deaths as anything other than tragic. However, you cannot solve a human rights crisis by creating another human rights crisis, and that is exactly what Operation Sovereign Borders has done. We know that of the men currently on Manus Island—98 per cent of whom, by the way, have been found by the Papua New Guinea government to be genuine refugees—88 per cent have been found by UNHCR psychological experts to have mental health issues caused as a result of their incarceration on Manus Island. That is a human rights crisis.

Again, as Operation Sovereign Borders was premised on trying to respond to tragic events, nothing that the Attorney or the Minister for Immigration and Border Protection has said this week has convinced me that when we turn boats back we are not turning people around to die somewhere else. That is why Australia has signed up to non-refoulement principles and it is why it is such a tragedy that we are in breach of the non-refoulement principles that we have signed up to uphold.
I believe the Attorney, in additional information he provided, has indicated to the Senate—and I will check the *Hansard*—that the 29 boats and the 740 people that I mentioned in my first question today are actually the sum total of the number of boats and the number of people on those boats that have been turned back. I will check the *Hansard* to ensure that my preliminary understanding is correct. But, of course, one of the problems around turn-backs is the veil of secrecy that the government has drawn over what is going on in international waters, in Australian waters and potentially in the waters of other countries. It is instructive, isn't it, that in fact now we are getting journalists, including from *The Daily Telegraph* and *A Current Affair*, embedded in Operation Sovereign Borders' missions in order to provide an opportunity for electoral support garnering by this government and particularly by the Minister for Immigration and Border Protection, Mr Dutton. Of course, when it suits the government politically and electorally to draw back the veil of secrecy, they are quite happy to do that. When they are worried that drawing back the veil of secrecy will help one of their political opponents mount an argument that we should stop turning back people or that we should close Manus Island and Nauru, they are not so quick to pull back that veil of secrecy.

(Time expired)

Question agreed to.

**PETITIONS**

**The Clerk:** Petitions have been lodged for presentation as follows:

**Defence Force Retirement and Death Benefits Scheme**

The petition of the undersigned draws the attention of the Senate to the injustices in the Defence Force Retirement and Death Benefits (DFRDB) Scheme, in that:

1. During the period from 1991 to 2014, the benefits of all DFRDB recipients were reduced permanently, by almost on third, through the use of the Consumer Price Index in the calculation of automatic cost of living adjustments.

2. The governing legislation, the DFRDB Act 1973, embodies a bogus indexation arrangement which denies the widows and dependent offspring, of deceased members, their benefits.

3. The legislation also embodies a commutation arrangement, based on outdated life expectancy tables, where members who opted to take an advance on their retirement pay entitlement are required to repay that advance many times over due to the effects of inflation and a significant increase in life expectancy.

I ask the Senate to:

1. Restore the DFRDB benefits for all recipients so that they are relevant to the floor rate of Male Total Average Weekly Earnings.

2. Repeal section 98B (5) of the DFRDB Act in its entirety.

3. Amend section 24 of the DFRDB Act so that when the commutation lump sum advanced has been recovered in full by the Commonwealth, retirement pay is restored to its full rate.

by Senator Back (from 1 citizen).

**Safe Schools Coalition Australia**

To the Honourable President and members of the Senate in Parliament assembled:

The petition of the undersigned shows:
We are concerned about the political agenda pursued by the Safe Schools Coalition program, and the federal funding that this program receives.

Your petitioners ask that the Parliament:
call on the Federal Government and the Education Minister to immediately remove all federal funding from the Safe Schools Coalition program because it goes beyond education, compels students into advocacy of a social engineering agenda, and fails to respect cultural and religious diversity.

by Senator Williams (from 35 citizens).

Petitions received.

NOTICES

Presentation

Senator Marshall to move:
That the following matters be referred to the Education and Employment References Committee for inquiry and report by 7 August 2017:
The incidence of, and trends in, corporate avoidance of the Fair Work Act 2009, with particular reference to:
(a) the use of labour hire and/or contracting arrangement that affect workers' pay and conditions;
(b) voting cohorts to approve agreements with a broad scope that affect workers' pay and conditions;
(c) the use of agreement termination that affect workers' pay and conditions;
(d) the effectiveness of transfer of business provisions in protecting workers' pay and conditions;
(e) the avoidance of redundancy entitlements by labour hire companies;
(f) the effectiveness of any protections afforded to labour hire employees from unfair dismissal;
(g) the approval of enterprise agreements by workers not yet residing in Australia that affect workers' pay and conditions;
(h) the extent to which companies avoid their obligations under the Fair Work Act 2009 by engaging workers on visas;
(i) whether the National Employment Standards and modern awards act as an effective 'floor' for wages and conditions and the extent to which companies enter into arrangements that avoid those obligations;
(j) legacy issues relating to WorkChoices and Australian Workplace Agreements;
(k) the economic and fiscal impact of reducing wages and conditions across the economy; and
(l) any other related matters.

Senator Xenophon to move:
That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 28 November 2016:
The use of drones in Australia, with particular reference to:
(a) public safety, security and privacy;
(b) benefits to the community and the economy;
(c) registration and training needs of both private and commercial users/operators;
(d) professional standards framework for commercial users/operators;
(e) insurance requirements of both private and commercial users/operators;
(f) the use of current and emerging drone technologies with respect to enhancing public safety, security and privacy;

(g) current and future regulatory requirements, including consideration of:
   (i) the Civil Aviation Legislation Amendment (Part 101) Regulation 2016,
   (ii) state and local government regulations, and
   (iii) regulations in other jurisdictions;

(h) legislative enforcement difficulties/impediments and solutions; and

(i) any other related matters.

**Senators Smith and Fawcett** to move:

That the Senate—

(a) notes the death, on 28 September 2016, of Mr Shimon Peres, a founding father, staunch defender, former Prime Minister and former President of Israel;

(b) extends its appreciation for Mr Peres' extraordinary lifetime of service to his own nation, and to advancing the cause of peace in the Middle East, which was internationally recognised through his receipt of the Nobel Peace Prize in 1994; and

(c) expresses its deepest sympathies to the family of Mr Peres and to the people of Israel at the loss of this extraordinary statesman.

**Senator Brown** to move:

That the Senate—

(a) notes that:
   (i) National Carers Week 2016 runs from Sunday, 16 October to Saturday, 22 October, and
   (ii) during National Carers Week, Australians are encouraged to show their appreciation for unpaid carers and learn about caring in Australia; and

(b) recognises that:
   (i) an estimated 2.8 million Australians provide unpaid care and support for people who have a disability, mental illness, chronic condition, terminal illness or who are aged,
   (ii) these carers make an extraordinary contribution to our communities as well as our national economy,
   (iii) the replacement cost of this informal care is valued at $60.3 billion over the course of a year, and
   (iv) any one at any time can become a carer.

**Senators O'Sullivan, Xenophon, Back, Fawcett, Rice and Sterle** to move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 April 2017:

(a) current and future regulatory requirements that impact on the safe commercial and recreational use of Remotely Piloted Aircraft Systems (RPAS), Unmanned Aerial Systems (UAS) and associated systems, including consideration of:
   (i) Civil Aviation Safety Regulation Part 101,
   (ii) local design and manufacture of RPAS and associated systems,
   (iii) importation of RPAS and associated systems,
   (iv) state and local government regulation, and
(v) overseas developments, including work by the International Civil Aviation Organization (ICAO) and overseas aviation regulatory jurisdictions;
(b) the existing industry and likely future social and economic impact of RPAS technology;
(c) the international regulatory/governance environment for RPAS technology and its comparison to Australian regulation;
(d) current and future options for improving regulatory compliance, public safety and national security through education, professional standards, training, insurance and enforcement;
(e) the relationship between aviation safety and other regulation of RPAS for example, regulation by state and local government agencies on public safety, security and privacy grounds;
(f) the potential recreational and commercial uses of RPAS, including agriculture, mining, infrastructure assessment, search and rescue, fire and policing operations, aerial mapping and scientific research;
(g) insurance requirements of both private and commercial users/operators, including consideration of the suitability of existing data protection, liability and insurance regimes, and whether these are sufficient to meet growing use of RPAS;
(h) the use of current and emerging RPAS and other aviation technologies to enhance aviation safety; and
(i) any other related matters.

Senators Kakoschke-Moore and Xenophon to move:
That the Senate—
(a) supports Stay Smart Online Week;
(b) notes that:
   (i) Ms Sonya Ryan, CEO of the Carly Ryan Foundation, has supported Stay Smart Online Week by invitation of the Government for the past three years at no cost to the Government,
   (ii) the Carly Ryan Foundation is a leader in online safety education,
   (iii) the Carly Ryan Foundation has visited and supported over 5,000 schools, colleges and regional areas, educating Australian youth and the community about cyber safety, and
   (iv) the Carly Ryan Foundation receives no funding from the Government;
(c) recognises the work of the Carly Ryan Foundation in raising awareness and education about cyber safety; and
(d) calls on the Government to provide funding to the Carly Ryan Foundation.

Senator Whish-Wilson to move:
That the Senate—
(a) notes:
   (i) the Organisation for Economic Co-operation and Development (OECD) September 2016 Interim Economic Outlook which states that all countries have room to restructure their spending and tax policies by increasing infrastructure spending and using fiscal measures to support structural reforms,
   (ii) the International Monetary Fund (IMF) April 2016 World Economic Outlook which states that infrastructure investment is needed across a range of countries and that countries with fiscal space should not wait to take advantage of low interest rates, and
   (iii) the August 2016 and final speech of the former Reserve Bank Governor, Mr Glenn Stevens, in which he drew a distinction between borrowing to invest in the right investment assets – long-lived
assets that yield an economic return – as opposed to borrowing to pay pensions, welfare and routine
government expenses; and
(b) calls on the Government to:
   (i) distinguish between 'good' debt used to fund investment in transformative and productivity
enhancing infrastructure, and 'bad' debt used to fund recurrent spending, and
   (ii) release a mini-Budget which distinguishes between borrowing for recurrent purposes from
borrowing for capital, and in which it increases borrowing to invest in public infrastructure that would
help provide a more sustainable economic future and create jobs.

BUSINESS

Leave of Absence

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:36): by leave—I move:
That Senator Waters be granted leave of absence for today, on account of ill health.
Question agreed to.

NOTICES

Postponement

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:37): by leave—At
the request of Senators Waters and Dastyari, I move:
That business of the Senate notice No. 3, proposing a reference to the Environment and
Communications References Committee, be postponed till the next day of sitting.
Question agreed to.

Postponement

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

Business was postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Leyonhjelm for today,
proposing the disallowance of the Customs (Prohibited Imports) Amendment (Shotguns and Shotgun

Business of the Senate notice of motion no. 4 standing in the names of Senators Cameron,
Xenophon, Rhiannon and Lambie for today, proposing a reference to the Education and Employment
References Committee, postponed till 13 October 2016.

General business notice of motion no. 82 standing in the name of Senator Siewert for today, relating
to Mr Marlon Noble, postponed till 13 October 2016.

BILLS

Regulatory Powers (Standardisation Reform) Bill 2016
Privacy Amendment (Re-identification Offence) Bill 2016

First Reading

Senator BRANDIS (Queensland—Attorney-General, Vice-President of the Executive
Council and Leader of the Government in the Senate) (15:38): I indicate to the Senate that
these bills are being introduced together. After debate on the motion for the second reading
has been adjourned, I will be moving a motion to have the bills listed separately on the Notice
Paper. I move:
That the following bills be introduced:


Question agreed to.

Senator BRANDIS: I present the bills and 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 BRANDIS (Queensland—Attorney-General, Vice-President of the Executive Council and Leader of the Government in the Senate) (15:39): I table the explanatory memoranda relating to the bills and I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

REGULATORY POWERS (STANDARDISATION REFORM) BILL 2016


The Regulatory Powers Act provides for a standard suite of provisions in relation to monitoring and investigation powers, as well as provisions regulating the use of civil penalties, infringement notices, enforceable undertakings and injunctions.

That Act commenced on 1 October 2014, but only has effect where Commonwealth Acts are drafted or amended to trigger the standard provisions in that Act.

By standardising regulatory powers across the Commonwealth, the Act is intended to:

• significantly reduce the length of legislation governing each regulatory regime
• provide greater clarity and consistency for agencies that need to exercise powers with respect to multiple regulatory regimes
• make it easier for businesses that are subject to multiple regimes to understand and comply with the law, and
• facilitate the development of a common body of law.

The Regulatory Powers Act also ensures that Commonwealth regulatory powers are sufficiently certain and predictable, while being flexible, to ensure that agencies with specialised functions can operate effectively.

This Bill will amend 15 Commonwealth Acts to repeal existing provisions providing for regulatory regimes and instead apply the standard provisions of the Regulatory Powers Act.

Those Acts fall within the portfolios of the Attorney General’s Department and the Departments of Agriculture and Water Resources; Defence; Employment; Health; Industry, Innovation and Science; and Social Services.
In most instances, the Bill will not alter existing arrangements because application of the Regulatory Powers Act will result in either the substitution of an equivalent provision or a provision that is the same in effect with modernised terminology or minor technical changes reflecting current drafting standards.

Where necessary, the amendments will modify the operation of the Regulatory Powers Act to retain existing regulatory powers that do not have equivalent provisions in the Regulatory Powers Act.

In a small number of instances, the Bill will alter existing arrangements because application of the Regulatory Powers Act will result in the acquisition of new provisions or additional powers or functions. This only occurs where such provisions are necessary for the effective performance of duties or functions and the effective exercise of powers under the Regulatory Powers Act.

Alignment with the Regulatory Powers Act also provides an opportunity to consider whether existing regulatory powers or functions are still relevant and appropriate.

Accordingly, in some cases the Bill will either repeal or narrow existing regulatory provisions that do not have equivalent provisions in the Regulatory Powers Act on the basis that those existing provisions are no longer required or required in their current form.

The standard provisions of the Regulatory Powers Act represent best practice in relation to regulatory powers of general application. That Act also includes operational safeguards, and maintains Parliamentary scrutiny over application of that Act to specific regulatory regimes.

The Bill will also make minor amendments to the Regulatory Powers Act to clarify the operation of certain provisions and remove unreasonable administrative burdens on agencies exercising regulatory powers under the Regulatory Powers Act.

Those amendments relate to:

- the ability to secure evidence of a contravention when exercising monitoring powers
- the age of photographs for identity cards
- the time period for the making of a civil penalty order, and
- the cap on the amount to be stated in an infringement notice.

Implementing the Regulatory Powers Act supports the Government's regulatory reform agenda, as that Act intends to simplify and streamline Commonwealth regulatory powers across the statute book.

Over the last 20 years there has been an enormous proliferation of regulatory powers and associated provisions, across the Commonwealth statute book. Those powers and provisions vary in their breadth and detail, resulting in inconsistency or unnecessary duplication across regimes.

Standardisation provides regulatory agencies with the opportunity to use more uniform powers, and increase legal certainty for businesses and individuals who are subject to those powers.

**PRIVACY AMENDMENT (RE-IDENTIFICATION OFFENCE) BILL 2016**

The Privacy Amendment (Re-identification Offence) Bill 2016 is part of the Australian Government’s endeavours to ensure that the considerable benefits associated with the release of public sector datasets can be realised whilst upholding the highest standard of information security and protecting the privacy of Australians.

The Bill will amend the Privacy Act 1988 to introduce prohibitions on the re-identification of de-identified information and disclosure of re-identified information.

The publication of major datasets is an important part of 21st century government, and is an important part of this Government's Digital Transformation Agenda.

On the 7th of December 2015, the Australian Government released its Public Data Policy Statement. The Statement provides a clear mandate for Australian Government Agencies to optimise the use and
re-use of public sector data. The Statement provides that, when releasing datasets, Australian
Government entities will uphold the highest standards of security and privacy.

The publication of government datasets, including de-identified data, enables the government,
policymakers, researchers, and other interested persons to take full advantage of the opportunities that
new technology creates to improve research and policy outcomes.

By way of example, the Minister for Social Services, Minister Porter recently drew attention to the
benefits of research with anonymised data, and how it can help break the cycle of welfare dependency
by identifying the risk factors leading to such dependency.

To ensure that the datasets released by the Australian Government are protected to the highest
standard, the Department of the Prime Minister and Cabinet will put in place a process to govern the
release of new anonymised datasets on data.gov.au.

However, in a rapidly changing digital environment it is important to recognise that methods that
were sufficient to de-identify data in the past may become susceptible to re-identification in the future.

Of considerable concern is the potential to re-identify personal information, particularly an
individual's sensitive personal information. Such re-identification has the potential to significantly
affect an individual's privacy and to undermine the benefits associated with the release of public sector
datasets.

Prohibition of re-identification and disclosure of re-identified personal information

The Bill prohibits the re-identification or attempted re-identification of de-identified information
released by, or on behalf of, Australian Government Agencies, as well as prohibiting the disclosure of
re-identified personal information.

These prohibitions will only apply to information that has been published on the basis that it is
de-identified and in a generally available publication such as on data.gov.au.

The Bill introduces criminal offences and civil penalty provisions for the re-identification of
de-identified personal information or the disclosure of such information. These penalties are intended to
act as a strong deterrent against re-identification and disclosure, and reflect the damage that can be
cause to individuals by such actions.

Requirement to notify agencies of re-identification

Importantly, the Bill requires entities that have re-identified de-identified personal information to
inform the responsible agency of this as soon as practicable. This ensures the agency can rapidly
respond to protect individuals' privacy by taking down and de-identifying the dataset using current
techniques. The responsible agency can then direct the entity on how to handle the re-identified
information.

This notification requirement applies to both intentional and unintentional re-identification—
capturing, for example, circumstances where an entity has inadvertently re-identified personal
information, for example by comparing different datasets. Entities that contravene this requirement will
face civil penalties but will not be subject to criminal sanction.

Retrospectivity of the Bill

The new offences in the Bill will operate retrospectively from the 29th of September 2016; the day
after the Government announced its intention to introduce these offences. This creates a strong
disincentive for entities to attempt re-identification while Parliament considers the Bill. Releases of
private information can have significant consequences for individuals beyond their privacy and
reputation, which cannot be easily remedied. This warrants swift and decisive action by the Australian
Government to prohibit such conduct.

Application of the Bill
The Bill is intended to apply more broadly than the general provisions in the Privacy Act, and will apply to the actions of individuals, organisations and businesses, including small businesses. Importantly, exemptions will apply so that the Bill will not affect the legitimate actions of agencies and researchers working with public datasets.

Australian Government Agencies will be exempt when performing their functions or when authorised by law to ensure they can continue to perform their ordinary functions and activities such as matching a de-identified dataset to another dataset or undertaking decryption activities to test information security.

Importantly, the Bill provides a power for the Minister to make a determination to exempt entities from the prohibitions and requirements of the Bill if it is in the public interest. This means entities engaging in valuable research in areas such as testing the effectiveness of de-identification techniques, cryptology or information security can be granted an exemption so that this legitimate research may continue. Research into methods for effective de-identification of data is an important privacy protection strategy in an era of big data.

The Bill exempts determinations by the Minister from the disallowance scheme in the Legislation Act 2003. This will provide certainty about the application of the law and provide commercial certainty to entities who require exemptions in order to undertake research projects. Before making a determination the Minister must consult with the Australian Information Commissioner, which provides additional scrutiny and transparency.

Australian Information Commissioner powers

As part of the Bill's enhancement of privacy protections, the Bill provides additional powers to the Australian Information Commissioner. Where an agency is informed of the re-identification of information it must inform the Australian Information Commissioner. This will allow the responsible agency to engage with the Australian Information Commissioner on the issue and provide the Australian Information Commissioner with the opportunity to investigate the matter. To this end the Bill also provides investigation powers to the Australian Information Commissioner in relation to contraventions of the Bill to support the Commissioner's existing power to seek civil penalty orders in relation to civil penalty offences under the Privacy Act.

Conclusion

The Bill will provide stronger safeguards for the privacy of individuals whilst supporting the Australian Government's commitment to the release of de-identified public sector datasets.

It will do so by deterring the re-identification of de-identified personal information in government datasets as well as the disclosure of such re-identified information and by ensuring that agencies are notified of re-identification so that they can take any necessary steps to rapidly address issues with published datasets.

Importantly, the Bill will not affect the legitimate acts of government or researchers.

The Bill will act in tandem with administrative processes to be developed by the Department of the Prime Minister and Cabinet to govern the release of new anonymised datasets on data.gov.au to ensure the integrity of public datasets published by the Commonwealth.

Debate adjourned.

Ordered that further consideration of the second reading of these bills be adjourned to 7 November 2016, in accordance with standing order 111.

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

Rearrangement

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:40): I move:

That consideration of the business before the Senate on Thursday, 13 October 2016, be interrupted at approximately 4 pm, but not so as to interrupt a senator speaking, to enable Senator Griff to make his first speech without any question before the chair.

Question agreed to.

BILLS

Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2016

First Reading

Senator Kakoschke-Moore (South Australia) (15:41): I, and also on behalf of Senators Xenophon, Griff and Hinch, move:

That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes. Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2016.

Question agreed to.

Senator Kakoschke-Moore (South Australia) (15:41): 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 Kakoschke-Moore (South Australia) (15:41): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

It is with a deep sense of honour, great sorrow and continuing frustration that I rise to speak on this Bill today.

This is a Bill to deal with what I, my colleagues, parents and the wider community believe is an issue of great importance to the safety of our children.

My colleague Senator Xenophon has introduced prior versions of this Bill in previous Parliaments.

This version of the Bill mirrors the Bill introduced in the 44th Parliament aside from some stylistic changes to reflect current drafting methods.

The reason the Bill exists is because of Carly Ryan. Next year marks ten years since her brutal murder at the hands of a paedophile.

When Carly was fourteen, she started chatting online to what she was made to believe was a twenty year old man named Brandon Kane. Brandon was Carly's ideal boyfriend who portrayed himself as a young guitarist, and she fell in love with him as their online relationship grew closer.
But what Carly didn't know, and what was purposely concealed from her, was that 'Brandon' was actually a forty seven year old predator, Gary Francis Newman. He masqueraded as Brandon, Carly's teenage dream, in a perverted plan to secure the trust of Carly and her mother who were completely innocent to his sinister and sickening motivations. Appallingly, the fictitious 'Brandon' was one of up to two hundred fake online identities Newman had created in a bid to communicate and have sex with young girls.

When Carly turned fifteen, she invited Brandon to her birthday party. He told her he would be overseas and that he couldn't make it, so his adopted father Shane would go in his place, another fake persona. Carly had already been chatting to Shane online, and she convinced her mother that it would be okay for him to come along to her party.

Newman, in his role as Shane, turned up. Carly's mother, horrified that her daughter had become close to a stranger so much older than she was, warned him to stay away from her daughter.

But Newman convinced Carly she would get to meet her beloved Brandon in person. He eventually lured her to a meeting, on 19 February 2007, at Horseshoe Bay in South Australia. There, he brutally assaulted her and left her to die.

It took police eleven days to track Newman down. When they found him, on the day of his arrest, he was logged on to his computer as Brandon Kane, chatting to a fourteen year old girl in Western Australia. Police also found a stash of child pornography on his computer, and discovered he had already pursued many other young girls overseas.

Newman was found guilty of Carly's murder, and is now serving a life sentence, with twenty nine years non-parole.

The aim of this Bill is to make it an offence for a person over eighteen years of age to lie about their age in online communications to a person under sixteen years of age for the purposes of facilitating a physical meeting.

This Bill also makes it an offence for an adult to misrepresent their age in online communications with a minor with the intent of committing another offence.

These two items close an important loophole in the law. There is no reason for an adult to knowingly misrepresent their age to someone they believe is under sixteen, particularly if they believe doing so will make it easier to meet or commit another offence.

The Bill also contains specific provisions to clarify how this offence can be prosecuted and defended.

My colleague, Senator Xenophon, attempted to address this serious issue with earlier versions of this Bill. This version of the Bill will ensure that there are no unintended consequences of enforcing this law. Instead, this Bill creates offences specifically aimed at the circumstances - a person lying to a minor about their age to facilitate a meeting or to make themselves seem 'more approachable' - that need to be addressed. This Bill uses the age of sixteen years to define a minor as it is consistent with the age of sexual consent in the majority of Australian jurisdictions.

The internet is impossible to pin down, constantly evolving and growing. The pace of technological growth means children are almost always much more comfortable with online communication than their parents: what we still see as new and different is as essential to them as breathing.

We know that there is an ever increasing online presence of Australian youth and therefore a concomitant threat from online predators. New forms of communication mean we need new laws to protect our children. Research conducted by the e-Safety Commissioner showed that teenagers spend thirty three hours per week online, outside of school.

In cyberspace, we can't stand by their side as they explore the world. We can't always set rules and curfews, because our kids can be sitting safe in their rooms even while they're in danger.
This Bill is an attempt to address some of the techniques used by online predators, so that we can put an additional safeguard in place for our children.

Current laws are too narrow, and we do not have anything to directly address the situation where an adult lies about their age to a child online for the purpose of encouraging that child to meet them in person. Existing laws require prosecutors to prove that adults who groomed children online had a 'sexual purpose'.

This law would mean that police can intervene at an earlier stage and that will save children from abuse.

Sonya Ryan, Carly's mother, has been pushing for these changes in the law since her daughter's death. Sonya, who was nominated as South Australia's Australian of the Year in 2013, has dedicated her life to raising awareness of online dangers among young people with the Carly Ryan Foundation.

If her actions stop just one young person from becoming a victim, then it's worth it.

That is something we should keep at the forefront of our minds when considering this Bill.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Renewable Energy

Senator HANSON-YOUNG (South Australia) (15:42): I move:

(a) notes the large storm that lashed South Australia on 28 and 29 September 2016;
(b) acknowledges the incredible effort of hundreds of emergency services personnel and volunteers who responded to the storm damage under very difficult circumstances; and
(c) expresses support for the renewable energy industry in South Australia and endorses South Australia's strong renewable energy target.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (15:42): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGRATH: The government acknowledges the efforts of the emergency services personnel and volunteers who responded to the damage caused by the large storm in South Australia recently, in September. The government supports renewable energy and has a 23.5 per cent renewable energy target. We have a national electricity market which requires national policies. The government has made it clear that it supports a harmonised national approach to the renewable energy target. Energy security is the government's No. 1 priority. We do not endorse South Australia's or any other state's unilateral target.

Question agreed to.

DOCUMENTS

Video Games Industry

Order for the Production of Documents

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (15:43): I seek leave to amend general business notice of motion No. 69 standing in my name
for today, concerning an order for the production of documents relating to the future of Australia's video game development industry, before asking that it be taken as formal.

Leave granted.

Senator LUDLAM: I move the motion as amended:

That the Senate—

(a) notes that:

(i) the video games industry is the fastest-growing entertainment industry in the world,

(ii) in recent years the industry in Australia has generated over $2 billion in retail revenue, and it continues to grow.

(iii) it is larger than the local film industry, but Federal Government assistance has been cut,

(iv) the Senate inquiry into the future of Australia's video game development industry was held from June 2015 to April 2016, with the final report presented on 29 April 2016, which was unanimously agreed to, and

(v) under resolution of the Senate, the Government is required to respond to Senate inquiries within three months of reporting; and

(b) orders that there be laid on the table by the Minister for the Arts, no later than 2 pm on Thursday, 13 October 2016, the Government's response to the report of the Environment and Communications References Committee on the future of Australia's video game development industry.

Senator McGrath: The Senate Environment and Communications References Committee report included recommendations that impact a number of portfolios. A whole-of-government response is being developed by the Department of Communications and the Arts. Question agreed to.

MOTIONS

Investor-State Dispute Settlement

Senator LAMBIE (Tasmania) (15:44): I move:

That the Senate—

(a) notes that:

(i) Investor-State Dispute Settlement (ISDS) clauses in trade agreements restrict Australia's sovereignty and ability to fairly regulate and legislate in the public interest,

(ii) ISDS clauses in trade agreements empower multi-national corporations to sue Governments for decisions which impede company profits,

(iii) approximately 52 per cent of ISDS claims were partly or fully successful in the multi-national corporations' favour, and 60 per cent of the cases decided on merits were won by investors,

(iv) ISDS clauses are a drain on the taxpayer and government resources,

(v) in 2009, Swedish energy company Vattenfall brought a successful ISDS claim against the German Government, for imposing quality controls for waste waters released from their power plant which supposedly made their investment project "unviable", and
(vi) in 2015, United States company Bilcon, brought a successful ISDS claim against the Canadian Government, for not allowing it to build a quarry and marine terminal in an ecologically sensitive coastal area in eastern Canada; and

(b) calls on the Government to ban Investor-State Dispute Settlement for all trade agreements.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:44): I seek leave to make a short statement.

The President: Leave is granted for one minute.

Senator McGrath: Australia has investor-state dispute settlement provisions in seven free trade agreements and 21 investment agreements. We have had ISDS agreements for almost 30 years. ISDS mechanisms provide valuable protections for Australian investors in markets that do not have the same legal standards as our own. ISDS mechanisms do not restrict Australia's sovereignty or ability to fairly regulate and legislate in the public interest. ISDS mechanisms do not prevent the government from changing policies and do not freeze existing policy settings. The government is opposed to signing agreements which include provisions that would restrict our capacity to govern and/or regulate in the public interest.

Senator Lambie (Tasmania) (15:45): I request leave to make a short statement.

The President: Leave is granted for one minute.

Senator Lambie: Investor-state dispute settlement clauses give multinational corporations the opportunity to dress up as cowboys and take the law into their own hands. I do not need to lecture this chamber as to the importance of democracy in the vital checks and balances that parliament provides. These clauses give these cowboys a recipe book on how to sue the government if it creates legislation in the public interest that might cause a drop in their profit margins. This gives them a way to get around the checks and balances that form the foundations of our democracy and it undermines our sovereignty.

We do not have to imagine the impact that these ISDS clauses may have, as Germany has been recently sued for 1.4 billion euros due to an ISDS claim and one multinational is seeking $300 million in damages in Canada. What would a suit like that do to Australia's budget deficit?

Question agreed to.

COMMITTEES
Select Committee into the Resilience of Electricity Infrastructure in a Warming World
Appointment

Senator Hanson-Young (South Australia) (15:46): I move:

(1) That a select committee, to be known as the Select Committee into the Resilience of Electricity Infrastructure in a Warming World, be established to inquire into and report on, by 10 February 2017, the following matters:

(a) the role of storage technologies and localised, distributed generation to provide Australia's electricity networks with the resilience to withstand the increasing severity and frequency of extreme weather events driven by global warming;

(b) recommend measures that should be taken by federal, state and local governments to hasten the rollout of such technologies in order to:
(i) create jobs in installation, manufacture and research of storage and distribution technologies,
(ii) stimulate household and business demand for storage technologies,
(iii) anticipate the rapid deployment of localised distributed generation through changes to market
rules,
(iv) drive the reduction in technology costs through economies of scale, and
(v) seize on the opportunities to be a global leader in deploying storage technologies because of
Australia's high fixed electricity tariffs and significant penetration of rooftop solar; and
(c) any other relevant matters.

(2) That the committee consist of 7 senators, 2 nominated by the Leader of the Government in the
Senate, 3 nominated by the Leader of the Opposition in the Senate, 1 nominated by the Leader of the
Australian Greens and 1 nominated by minority groups and independent senators.

(3) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the
Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Australian
Greens or any minority party or independent senator;
(b) participating members may participate in hearings of evidence and deliberations of the
committee, and have all the rights of members of the committee, but may not vote on any questions
before the committee; and
(c) a participating member shall be taken to be a member of the committee for the purpose of
forming a quorum of the committee if a majority of members of the committee is not present.

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

(5) That the committee elect as chair a member nominated by the Leader of the Australian Greens and,
as deputy chair, a member nominated by the Leader of the Opposition in the Senate.

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

(7) That the chair, or the deputy chair when acting as chair, may appoint another member of the
committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting
of the committee.

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

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

(10) That the committee be provided with all necessary staff, facilities and resources and be empowered
to appoint persons with specialist knowledge for the purposes of the committee with the approval of the
President.

(11) That the committee be empowered to print from day to day such documents and evidence as may
be ordered by it, and a daily Hansard be published of proceedings take place in public.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:47): I
seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.
Senator McGRATH: Through the COAG Energy Council, the government, working with the states and territories, has developed a substantial work program to facilitate the rollout of distributor generation and storage. This includes the development of standards, training and accreditation for battery installation, putting in place appropriate consumer protections for new technologies and ensuring standalone power systems, such as microgrids, are effectively incorporated into the wider regulatory framework. Further, at the meeting on 7 October the council established an independent inquiry to develop a national reform blueprint to maintain energy security and reliability in the national electricity markets.

Question agreed to.

Finance and Public Administration References Committee
Reference

Senator LAMBIE (Tasmania) (15:48): I move:

That—

(1) With regard to Indigenous recognition in Tasmania, the Senate notes that the Premier of Tasmania made an historic Australia Day speech on the 21 January 2016 where he disclosed that something was very wrong with Indigenous policy because:

(a) the Australian Bureau of Statistics reported that, from 2014, there were 25,845 Indigenous people in Tasmania while yet the Tasmanian Government estimated that there were only 6,000 Indigenous Tasmanians;

(b) there are Tasmanian families who identify as Tasmanian Aboriginals, yet the official statistics indicate that, potentially, only one in three members are actually recognised as such by this state;

(c) Federal Government funding represents the greatest proportion of support received by Tasmanian Aboriginals, contributing almost half a billion dollars in funding to Aboriginal Tasmanians, compared to about $8 million from the state government; and

(d) Tasmania's existing Indigenous policy is a long way from aligning with the Commonwealth's process; this means Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state.

(2) The Commonwealth funding of Indigenous Tasmanians be referred to the Finance and Public Administration References Committee for inquiry and report by 28 November 2016, with particular reference to whether hundreds of millions of dollars in Commonwealth funds over the last decade were unfairly, unjustly, or illegally allocated to, and spent on, only 6,000 Indigenous Tasmanians, rather than almost 26,000.

Senator DODSON (Western Australia) (15:48): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DODSON: I note the notice of motion that Senator Lambie has put forward. I fully comprehend the issues that the motion seeks to address, but I cannot support it in its current form. The history in this country of identification and definition of who is and who is not an Aboriginal has been a vexed and challenging issue for our people for many generations. In my state of Western Australia, the authority to define and identify who was an Aboriginal led to binding laws that said who could marry whom, who could live with whom and how much a person should be paid for work.

There have been many people who identify in their families as being of Aboriginal and Torres Strait Islander descent and who are known in their community as being Aboriginal, but
who have not been endorsed by the authorities as being Aboriginal. Families have been
separated on this basis. Children have been taken from their mothers on this basis as well. In
its current form, the motion prejudges the inquiry and is overly inflammatory— (Time
expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:50): I seek leave
to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator SIEWERT: Similarly, the Greens will not be supporting this motion. I will not
go over the same points as Senator Dodson, who has just so eloquently described them. We
understand where Senator Lambie is coming from on this issue in trying to look at the
expenditure of funds. We could support something along the lines of 'examines the allocation
of funding and expenditure to Aboriginal Tasmanians to ensure that they are best targeted to
continue to close the gap,' or something of that nature. I indicate that we would be prepared to
support something along those lines, but we cannot support this particular motion.

Senator LAMBIE (Tasmania) (15:50): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator LAMBIE: I thank Senator Nigel Scullion and the Liberal Party for their support
on this motion. They have recognised that there has been a systemic cover up and an abuse of
federal funds intended to support all Tasmanian Indigenous and a need for a forensic audit
into how the abuse was allowed to occur for the many years that it has. I am deeply
disappointed that Labor has indicated they will not vote for this motion. Amendments
suggested by Labor were pedantic and lacked substance. What is important here is the essence
of the motion, which is the abuse of federal funds for many, many years and the refusal of
support and Indigenous identity to almost 20,000 Indigenous Tasmanians for many, many
years. Labor has been aware of this issue for a long time, and it should not have taken me to
fix it.

The PRESIDENT: The question is that business of the Senate notice of motion No. 2,
moved by Senator Lambie, be agreed to.

The Senate divided. [15:56]

(Ayes .................35
Noes ..................30
Majority..............5

AYES

Back, CJ
Burston, B
Canavan, MJ
Culleton, RN
Fawcett, DJ
Fifield, MP
Hanson, P
Hume, J
Lambie, J
Macdonald, ID

Birmingham, SJ
Bushby, DC (teller)
Cash, MC
Duniam, J
Fierravanti-Wells, C
Griff, S
Hinch, D
Kakoschke-Moore, S
Leyonhjelrn, DE
McGrath, J)
AYES
McKenzie, B  
O'Sullivan, B  
Paterson, J  
Reynolds, L  
Ruston, A  
Scullion, NG  
Smith, D  
Xenophon, N

Nash, F  
Parry, S  
Payne, MA  
Roberts, M  
Ryan, SM  
Sinodinos, A  
Williams, JR

NOES
Bilyk, CL  
Cameron, DN  
Chisholm, A  
Dastyari, S  
Dodson, P  
Gallacher, AM  
Hanson-Young, SC  
Lines, S  
Marshall, GM  
McCarthy, M  
Moore, CM  
Pratt, LC  
Rice, J  
Sterle, G  
Watt, M

Brown, CL  
Carr, KJ  
Collins, JMA  
Di Natale, R  
Farrell, D  
Gallagher, KR  
Ketter, CR  
Ludlam, S  
McAllister, J  
McKim, NJ  
O'Neill, DM  
Rhiannon, L  
Siewert, R  
Urquhart, AE (teller)  
Whish-Wilson, PS

PAIRS
Abetz, E  
Bernardi, C  
Brandis, GH  
Cormann, M  
Seselja, Z

Day, RJ  
Singh, LM  
Wong, P  
Waters, LJ  
Polley, H

Question agreed to.

MOTIONS

Donations to Political Parties

Senator RHIANNON (New South Wales) (15:58): I move:

That the Senate—

(a) notes that the National Bank of Australia has announced a voluntary ban on all political donations to avoid perceptions of impropriety or graft; and

(b) calls on all parties and members of Parliament to refuse political donations from all banks and financial institutions to avoid perceptions of impropriety or graft.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (15:58): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.
Senator McGrath: The political donations framework is currently being reviewed by the Joint Standing Committee on Electoral Matters as part of its inquiry into the 2016 federal election. It is appropriate that this committee be given a chance to investigate the matter of political donations and that we carefully consider any recommendations.

The President: The question is that the motion moved by Senator Rhiannon be agreed to.

The Senate divided. [16:00]

(The President—Senator Parry)

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Question negatived.

Oil Exploration

Senator HANSON-YOUNG (South Australia) (16:04): I move:

That the Senate—

(a) welcomes the decision by BP to withdraw its application to drill for oil in the Great Australian Bight; and

(b) calls on the Turnbull Government to permanently ban all oil exploration and drilling in the Great Australian Bight.

Senator McGRATH (Queensland—Assistant Minister to the Prime Minister) (16:04): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator McGrath: The government deeply regrets BP's commercial decision to withdraw from the Bight. It is a sad day for South Australia.

The PRESIDENT: The question is that the motion moved by Senator Hanson-Young be agreed to.

The Senate divided. [16:06]

Ayes ..................... 11
Noes ..................... 55
Majority ................. 44

AYES

Di Natale, R
Hanson-Young, SC
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Xenophon, N

Griff, S
Kakoschke-Moore, S
McKim, NJ
Rice, J
Whish-Wilson, PS

NOES

Abetz, E
Bilyk, CL
Brown, CL
Bushby, DC (teller)
Canavan, MJ
Cash, MC
Collins, JMA
Dastyari, S
Duniam, J
Fawcett, DJ
Fifield, MP
Gallagher, KR
Hinch, D
Ketter, CR
Leyonhjelm, DE
Macdonald, ID
McAllister, J

Back, CJ
Birmingham, SJ
Burston, B
Cameron, DN
Carr, KJ
Chisholm, A
Culleton, RN
Dodson, P
Farrell, D
Fierravanti-Wells, C
Gallacher, AM
Hanson, P
Hume, J
Lambie, J
Lines, S
Marshall, GM
McCarthy, M
Foreign Investment

Senator LAMBIE (Tasmania) (16:08): I ask that general business notice of motion No. 85 standing in my name for today relating to Chinese ownership of Australian assets be taken as a formal motion.

The PRESIDENT: Is there any objection to this motion being taken as formal?

Senator Ruston: Yes.

The PRESIDENT: Formality is denied, Senator Lambie.

MATTERS OF PUBLIC IMPORTANCE

Turnbull Government

The PRESIDENT (16:08): A letter has been received from Senator Gallagher:

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

The Turnbull Government's lack of achievement in the 100 days since the election.

Is the proposal supported?

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

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

Senator CAMERON (New South Wales) (16:09): I have 15 minutes, but I think it will take me a lot longer than 15 minutes to get through the lack of achievement of this rabble of a government that we have here now. What do the general public see of this government? They see 100 days of disappointment. The great new Prime Minister Malcolm Turnbull was going to change everything. He was going to deliver all these great things for the Australian public, but what has he delivered? Absolutely nothing. He has delivered nothing. There have been 100 days of disappointment in Malcolm Turnbull. There have been 100 days of political cowardice from the Prime Minister. He will not stand up to the National Party. The National Party were the doormats in this place. The Liberal Party used to walk all over them.
Senator Williams: Not anymore.

Senator CAMERON: Now you have got Senator Williams out talking about the National Party government. It is the National Party that is running the show, according to the Nationals. It is the Joyce-Turnbull government that they are now talking about. Then somebody got onto him. Senator Williams was talking about it the day before, and the next day he was talking about the Turnbull-Joyce government.

Senator Williams: That's it.

Senator CAMERON: Then it was the Turnbull government. Senator Joyce was flicked off the planet altogether. We know that after 100 days of disappointment, 100 days of political cowardice by the Prime Minister and 100 days of backflips by this Prime Minister that all this Prime Minister is doing is thinking about self-preservation. That is the big thing this Prime Minister is looking at: self-preservation. He wakes up in the morning and goes: 'How am I going to survive this day?' It is one day at a time for this weak, jelly-backed Prime Minister. It is one day at a time for the Prime Minister. It has been 100 days of a Prime Minister with no backbone, no ticker and absolutely no authority. That is the problem for this Prime Minister—no ticker, no backbone, no authority and no capacity to be a real Prime Minister.

When I heard I was going to be talking on this matter of public importance, I thought I will look at the dictionary and see what 'achievement' means in the context of Malcolm Turnbull. The definition of achievement is a thing done successfully, with effort, skill and courage. Well, isn't it an oxymoron then to put Turnbull and achievement in the same sentence? He has absolutely no skill. You have only got to look at his political judgement to see his lack of political judgement. He has no skill at all. Courage? Well, I do not think anyone in this country thinks the Prime Minister has either political courage or personal courage. He has absolutely no courage whatsoever. He has certainly got no courage of his own convictions. He has no courage for the things that he thought he would tell people that he stood for. He has absolutely no courage whatsoever. The days of the smart little leather jacket on Q&A are long gone. Those days are long gone for this Prime Minister. He has to get the stetson on, he has to get the R.M. Williams on and he has got to walk to New England and say, 'Barnaby, what next?' That is what he has to do. We know that the National Party will cave in eventually, but they have got a bit going for them at the moment.

We have got a Prime Minister who is a hostage of the extreme right in this country, a hostage of the National Party, and a hostage of people like George Christensen in the lower house. Mr Christensen seems to be calling the shots in the lower house. The Prime Minister is an absolute hostage of the extreme right—a wholly owned subsidiary of the right wing and the extremists in the Liberal-National Party. He has no conviction. He has given up on marriage equality. He has given up on climate change. He has given up on tax. He has given up on the backpacker tax. He has given up on health. He has given up on education.

Let us understand what has really happened here. The policies have not changed. We had this great big knifing of the former Prime Minister Tony Abbott. Tony Abbott got knifed by Malcolm Turnbull, but I am not sure how he got the courage to do it. He must have had lots of support to do it. I bet he was at the back of the queue when the knives were going in. Other people were doing it. Anyway, the former Prime Minister got knifed, and now the only problem is that former Prime Minister Abbott's policies still reign supreme. The policies are
still the same. They are the same policies, which means that all of those opinion polls that showed the Liberal-National Party were all on the nose—those policies are still there, and those opinion polls are still there, because the Liberal-National Party have not changed one jot. Former Prime Minister Tony Abbott's policies are still the policies that are reigning.

When you look at the Prime Minister you see this defeated person. You see this husk of a politician, who was so devastated on election night he did not have any dignity at all. After the election campaign he got up and, because his ego was so battered, his ego was so bruised, his ego was so diminished, he gave the worst speech ever of anyone on election night in the country. It was the worst we have ever seen!

If I watch him now—this diminished Prime Minister, this husk of a politician with nothing left inside—I think of the Stockholm syndrome. He is hostage to the right wing—under absolute, complete control of the worst elements in the National Party and the Liberal Party. Stockholm syndrome is where whoever is held hostage ends up being sympathetic with their captors. Prime Minister Turnbull: the Patty Hearst of the 45th Parliament. That is what he is. Prime Minister Turnbull is the highest profile hostage since Patty Hearst. He is just a hostage of the worst elements in this parliament.

Go and look at the term 'Stockholm syndrome', because that is what is affecting Malcolm Turnbull. He is an absolute captive of the Stockholm syndrome. Patty Hearst's defence lawyer said she suffered from the Stockholm syndrome. So whenever you hear 'Patty Hearst' think of Malcolm Turnbull. Stockholm syndrome was:

… a term that had been recently coined to explain the apparently irrational feelings of some captives for their captors.

Prime Minister Turnbull has said some weird things about some of the right wingers that have got him under complete control. He has said some weird things, so that fits in with the Stockholm syndrome term.

There are a number of criteria established by psychiatrist Dr Frank Ochberg. He has advised both Scotland Yard and the FBI about the Stockholm syndrome. If you listen to what this is, you just think: 'This is Malcolm Turnbull. This is the Prime Minister.' Criteria No. 1:

… people would experience something terrifying that just comes at them out of the blue. They are certain they are going to die.

Malcolm Turnbull was certain he was going to die on election night, or he would not have behaved in the base fashion that he did. It then goes on to say:

… they experience a type of infantilisation—where, like a child, they are unable to eat, speak or go to the toilet without permission.

Well, that is exactly where this Prime Minister is. He has got to go to George Christensen and say: 'Please can I go to the toilet? Please can I get this policy through? Please can I do anything that might even be the semblance of a progressive policy?' And George Christensen says, 'No.' Mr Joyce says, 'No, you can't.' The Prime Minister cannot do anything without getting approval from the worst elements in this parliament. Then it says:

Small acts of kindness—such as being given food—prompts a "primitive gratitude for the gift of life"
Well, every day the Prime Minister has to go cap in hand to the right wing of the Liberal-National Party just to get the gift of life, to survive as the Prime Minister. What a weak, hollow husk of a politician this man is.

It says:

… hostages—

and think Prime Minister Turnbull—

experience a powerful primitive positive feeling towards their captors.

So he goes up to say, 'I might even try and like George Christensen today'. So they get this primitive positive feeling towards their captor. They are in denial that this is the person that put them in that situation. In their mind they think this is the person who is going to let them live: 'George Christensen, please let me live.'

Senator Williams: Point of order.

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Cameron, resume your seat. Senator Williams?

Senator Williams: During this presentation by Senator Cameron several times now he has referred to those in the other place just by their Christian name and surname. Will you please ask him to refer to those in the other place by their correct titles.

The ACTING DEPUTY PRESIDENT: Thank you, Senator Williams. I will remind you, Senator Cameron, to refer to those in the other place by their correct titles.

Senator CAMERON: I accept the admonishment from the National Party—

The ACTING DEPUTY PRESIDENT: No, no—Senator Cameron.

Senator CAMERON: but I certainly will not accept any instructions, like the Prime Minister does. I accept the admonishment but will not be accepting instructions. It goes on, 'They are in denial'. And this is the person who put them in that situation. In their mind they think this is the person who is going to let them live. So Mr Christensen is the guy who lets the Prime Minister live.

Senator Joyce, now the Deputy Prime Minister—the Deputy Prime Minister of this country! I never thought I would see the day. But that is how bad things get in politics from time to time. So they go, 'Please, let me live.' Day by day, this husk, this empty vessel of a Prime Minister gets up every day. Then it goes on to say that Kristin Ehnmark, one of the hostages, said:

It's some kind of a context you get into when all your values, the morals you have change in some way.

It is clear that this Prime Minister has got no morals. This Prime Minister has got no values. They are all gone because Stockholm syndrome has got this guy holus bolus. There is nothing left. There is absolutely no way that he can develop any progressive policies. The leather jacket is on the back of the door, never to be seen again. He will never be a Prime Minister of this country with any standing.

We talk about the gains. We talk about 100 values or 100 things that this guy has done. He has done nothing in the first 100 days. He has done absolutely nothing except capitulate to the worst elements in this country. He does not stand up for his values on marriage equality. He does not stand up for his values on climate change. He does not stand up for his values on the
republic. He has absolutely capitulated; a weak, jelly-backed, no backbone Prime Minister, absolutely stood-over by the National Party and the right wing. It is a disgrace. (Time expired)

Senator O’SULLIVAN (Queensland) (16:25): Let me open by telling you what I have been doing for the last 100 days. I have been bunkered down in my office, on my knees, praying—praying, Doug—that you would ask this question. That is what I have done. You have given me all my Christmases and birthdays in one day. Even Ripley would not believe the work we have done. Do not go, Doug. Loosen your tie, kick your shoes off, put your feet on the desk and have a listen.

We have put $3 billion—we have committed it through the Agricultural Competitiveness White Paper. Every Labor supporter in this country and every member of the CFMEU and every tofu-sucking Green can take their shoes and socks off and count their fingers and toes and they would not even know what $3 billion was. That is an enormous investment in agriculture in this country. We have put $7 million into the rural financial counselling service. So it will come as no surprise to my colleagues on the other side that I am going to concentrate on what we have done in 100 days in this Turnbull government for agriculture around the country.

We listened to that. He talked about a husk. We listened to that hollow presentation then by Senator Cameron. It sounded like—do you remember the Proclaimers from back in the seventies? 'I will walk 100 days'—a repeat. It was one song that just had the one verse that just went round and round and round. All he talked about was Patty Hearst the Stockholm syndrome and husks. He sounded like an old aluminium boat that was washed up. You know: that wave hits it, you sit there quietly and listen, and the wave hits it again. It is the same sound. But when you walk over and you look in it, it is an empty vessel. There is nothing in it. That is Senator Cameron and his contribution.

We extended $35 million to the Drought Communities Program. I can take you—if you have five minutes, come up to my home state of Queensland. I will take you out to Charleville and I will take you to Quilpie and I will take you to Longreach and Chinchilla, and they will tell you what an enormous benefit that was that the Turnbull government provided to them and their communities.

We put $18.6 million into drought community project proposals; $1.5 billion on water infrastructure modernisation. We put $15 billion into water reform agenda across Australia. Just yell out when you have had enough. Put your hand up, just yell out, and I will pull up. We brought in the Water Amendment Act. We put $2 billion into the National Water Infrastructure Loan Facility that provides loans for growers and producers all across the country. We put another $13 million shared between 25 projects into the irrigation industry improvement scheme. All of these are designed to improve the performance of the Murray-Darling Basin, having very high regard to the environmental issues, making sure that we got the balance right—the sustainability with agricultural production.

So we had $13 million shared with the irrigation industry in the improvement program. We brought in the Water Amendment (Review Implementation and Other Measures) Bill. We put $103 million into Sunraysia, a modernisation project, to keep manufacturing in one of Australia’s iconic agricultural companies alive.
You talk over there about the fact that we have not supported particular industries. These are all support measures for industries.

**Senator Williams:** They just banned the live exports.

**Senator O'SULLIVAN:** They banned live export, cutting a billion dollars. Now, what have we done in the last 100 days? We have reinstated the live cattle job. We have now got nearly—help me out; I think it is a million head exported in the 12-month period to about seven destinations around the world. We have created an environment for agriculture, particularly beef producers—listen carefully—their income has gone up by 500 per cent under this government. And we have done that because we have promoted the live export trade. We have done that because we are introducing reforms right across the sector. We have done that because we have continued to support Meat and Livestock Australia. We continue to support all of R&D in agriculture to the tune of hundreds and hundreds and hundreds of million dollars every year, particularly in the last 100 days. Do you know what? I hope one of you is taking notes. I do not want to have to come back in here and do this again, so someone needs to take some notes over there.

We made $50 million available to irrigators in South Australia. Of course, the irrigators have a problem now because they cannot get power to run their pumps, but I am sure that over the next 30 years the Labor government there will make changes. We put $1.7 million into the New South Wales government for projects under phase 4 of the Great Artesian Basin Sustainability Initiative—what a great initiative. We did phase 3 in my home state of Queensland and phase 4 in New South Wales, where we have capped off millions and millions of litres of water that each day were running down bore drains all across agricultural enterprises. We talk about it, and we get challenged on our sustainability and environmental credentials, but no-one makes mention of that when it happens. We put $53 million worth of funding into the Queensland irrigators. We provided $18 million to upgrade and augment the Chaffey Dam, $59.5 million to funding the National Water Infrastructure Development Fund and $12½ million into the Hay Private Irrigation District. Through you, Acting Deputy Chair Ketter: Senator Williams, please pay attention. You need to get ready to get up and move an extension because I have about 10 pages of achievements here—

**The ACTING DEPUTY PRESIDENT (Senator Ketter):** I do remind senators to address their remarks to the chair.

**Senator O'SULLIVAN:** I apologise. We put $15 million into the National Carp Control Plan—another great environmental measure in our waterways in country Australia. Three million dollars was provided for pest and weed management in New South Wales in this 100 days. We put in place the Australian Pest Animal Strategy to improve and create the environment for increased productivity across agriculture in the country. In 100 days, we have put a total of $50 million over the period to establish pest, animal and weed control right across the country. Through you, Mr Acting Deputy President: Senator Sterle, a million dollars went into Western Australia and $12 million to Queensland—there is a bit of parity issue there, but I think it is a reflection of the standards. There has been $1.5 million to
combat pest animals and weeds and $1 million to the Victorian government in this space; we have provided $6 million to assist landowners in the Balonne Shire to build cluster fencing.

This list goes on and on and on—in fact, my printer got overheated and I could not get all of the pages out of the printer and bring them here today. I am having the printer fixed and, if I get another opportunity, I would ask my colleagues on the other side to ask this question again tomorrow and the next day and the next day. I promise you will give up by the end of the sittings.

We have invested $330,000 under the Agricultural Trade and Market Access Cooperation program.

Colleagues, we listened to Senator Cameron. We listened to his presentation. He had 15 minutes. It was a hollow presentation. He did not put one fact on the table. He did not address one issue of policy. He did not recognise one thing that this government has done and, in fact, more importantly—and this is a feature of the Australian Labor Party in this place and in the other place—he had nothing to offer. There were no alternatives for us to sit and consider that perhaps there was a better way. We listened in question time, and there was not one question on the economy, not one question on education, not one question on health, not one question on agriculture and not one question on Aboriginal and islander affairs. Through you, Mr Acting Deputy Speaker: the Australian Labor Party is a hollow vessel. It has nothing to offer. It poses the question and leaves the answer open because it cannot make the case and it cannot make the pitch.

If I ever find myself in trouble and before a court, I honestly hope—I will beg for it; it will be the other thing that I ask for—that Senator Cameron is qualified to prosecute me, because I will walk out of there a free and proud man! Thank you.

Senator KIM CARR (Victoria) (16:34): The proposition before the chamber today is to reflect upon the first hundred days of the new Turnbull government since the last election.

This is an interesting concept for us to consider given the government's fortunes have fallen so dramatically even after their crushing electoral fiasco that we saw in July. We know that this is a Prime Minister who has been very keen to tell us ad nauseam that we live in the 'most exciting times'. Do you remember that? These are the 'most exciting times' this country has ever seen. These are the most agile times this country has ever seen—times in which we should be brimming with confidence. The unfortunate fact of life is that the electorate, the public, the Australian people do not feel very excited about this government. They do not feel that is a very agile government. They do not think that this is a government that has many opportunities before it. What we have seen is that this is a government that is weak, it is directionless and it is in fact captive of the most extreme right-wing elements of the coalition in this country.

We know that a coalition of town and country capital in this parliament over the years has enjoyed quite a wide range of opinions and differences, as you would expect in a great political organisation like the coalition has been since Menzies created it in the late forties. But never have we seen a period of government dominated by the IPA and the allies of the most extreme right-wing, quasi-fascist organisations in this country. Even the once great National Party has fallen into this. They are now pandering to One Nation. Isn't that an extraordinary proposition? Do you remember Ron Boswell? He used to stand up to One
Nation because he understood the consequences of pandering to these extreme right-wing, racist and xenophobic views, but what we see, of course, under this coalition is that anything goes. Why has that happened? It is because this is a government that has lost its authority. It has lost its legitimacy. It has lost its sense of direction. This is a Prime Minister who just over a year ago was elected by the Liberal Party 54 votes to—was it 44? Remember, in the polls at that time, there was the sense that they could roll all before them. Now what has happened? There has been a disastrous election result and a disastrous political strategy to adopt changes to the Senate, aided and abetted by the Greens—I accept that. This is a reasonable criticism to make. We have seen an election result in which this government effectively lost its majority, a Senate transformed and a government now obliged to follow a much more conservative direction. Some people might think that is great. But that is not what this Prime Minister made his name for, is it? Throughout his time in public life—and this is why I think so many people had such hopes for him last year—he has presented himself as a progressive, a person who is actually interested in the Enlightenment! For many people on the other side of this chamber, the Enlightenment is a very dangerous thing. In fact, they are having a lot of trouble even catching up with the very principle of it. We have met many of them in the past for whom the reading of books, for instance, was something they frowned upon! But now we have circumstances where those from the Dark Ages have come to dominate this government.

Senator Paterson: Just your books, Kim!

Senator KIM CARR: You would learn something from my books, I must say. In fact, you might learn a great deal. What I would suggest is this: the Prime Minister has mortgaged himself to the extreme right wing of the Liberal Party and, worse still, the extreme right wing of the National Party to get the keys to the Lodge. This is a mortgage that he now finds crippling. And that is now showing up in the public's attitude to this government. The people of this country, who had such high hopes and high expectations about what Mr Turnbull would bring to the job, have now been thoroughly disappointed. In fact, I think they are quite horrified. He is a man who has presented himself as being an ideas person. In the past, he was interested in an Australian republic, for instance. He has abandoned that. He is a person who said he was interested in equality before the law in terms of same-sex marriage and the like. He has abandoned that. Remember that he said they could never tolerate Tony Abbott's climate change policies—because they were fraudulent. Many years ago now, he made the point that it was a policy position that would not produce the changes we actually need to protect this country. But now, of course, he adopts it holus bolus. We have seen this in so many areas—a government divided, a government weak, a government directionless, a government that has no central commitment to the welfare of the Australian people—because the government's only obsession now is survival.

We have talked a lot about how they recovered from the disaster of the election result. What we know is that, in two years time, we will be at it again—because they cannot sustain the internal contradictions of this government. Given this Prime Minister's position in terms of popular attitudes he will either be rolled or he will be obliged to go to an early election. We know the circumstances in terms of when a writ is supposed to be issued for this chamber. We know that that circumstance means we have to have another election by 2019. If we are to maintain the joint proposition of House elections being held at the same time as Senate elections, an election for the Parliament of Australia will occur again in the early part of 2019.
at the very latest. But, of course, we know that there is a New South Wales election at that
time, so it is unlikely that the election will be occurring at the same time. It is very unlikely,
though technically possible, that we will have an election over the summer period, in January.
We could have it just before Christmas. That is possible but unlikely.

Senator McAllister: And unpopular.

Senator KIM CARR: It has never worked before. We could have it in November, but
there is a Victorian election then. So we get pushed back a little further. We know we cannot
hold an election for the Senate until 4 August. And we cannot let the football finals get in the
way of any serious discussion with the Australian people. So sometime between August 4 and
maybe the second week of the finals we will have another election. On the very best
calculation, this government has less than two years to run. This government is so badly
divided it may be possible for it to find a way to resolve this contradiction by having a House
election only. Just think of the chaos that would bring with it—the idea of Senate elections
being held on their own! I do not see that as a likelihood. So it is likely that around Spring
2018 we will be off to an election again.

The Australian people will get a chance to assess the performance of the government in
that time. We will see a Prime Minister who promised much deliver very little. With a
government so badly divided, so directionless, so lacking in authority and legitimacy, we are
likely to see the return of a Labor government. The Labor Party will be called upon to deal
with problems that you will be unable to deal with, that you are incapable of dealing with,
because of the divisions within your own ranks, your lack of commitment to principle and
your failure to understand the needs of the Australian people. While we are committed to
serving the Australian people, you are committed to trying to work out the conflicts within
your own house—and a house divided will inevitably fall.

Senator BACK (Western Australia) (16:44): I spent a good deal of my professional career
in the horseracing industry. Do you know what I see when I look opposite at the Labor
senators and others? I see owners who could not buy a horse but could win a race, trainers
who cannot train a vine up a toilet wall and jockeys who do not know where the finishing line
is. The fact of the matter is that this mob over here cannot win. They resent bitterly the fact
that they cannot win. They resent the fact that we are a winning team on a winning horse that
is kicking on over the next three years, the three years after that and, following that, the three
years after that. We will have all of that victory. That is where the coalition finds itself.

I can tell you: we will continue to whip home the winners, so let me get started. The
omnibus bill saves $6 billion, with support from the Labor Party, I must admit. But just
remember: Mr Ken Henry, the then secretary of the Treasury, now the head of the National
Bank, said, 'Don't get too proud of yourselves, boys, because you've actually got $350 billion
to wind back.' And whose debt was it that we are winding back, through you, Mr Acting
Deputy President, to Senator Williams? You know, Senator Williams; you know, Senator
Paterson. It is the $350 billion that Labor squandered in raising debt in this country.

Only today—talk about success; I need nine hours, not nine minutes—have we made a
major tax saving for 3.1 million taxpayers in Australia by changing the rate at which they get
to the maximum tax rate. There are 3.1 million people better off today as a result of the
hundred days of this government. We go then to Medicare. I will not today explain in any
great detail what a losing jockey does when he is that far behind the field in getting towards
the finishing line. He comes up with every scare campaign he can. In the case of the election, it was called 'Mediscare'. And, of course, with 'Mediscare' we were going to end up selling Medicare. There was going to be no financial support for the aged people of Australia. How that party over there could have got to the finishing line, well behind, of course, as they were, and then go to chairman of stewards and say to him, 'We were honest in this campaign'! They should have been rubbed out for five years.

Speaking of Senator Carr going on about how we did, Senator Carr did not tell you, in the gallery, through you, Acting Deputy President, that the Labor Party had its second-lowest performance in its history in the 2016 election. So do not get too worried about the performance of the Turnbull government. But let's talk a little bit about Medicare and bulk-billing. Under this government, led by Mr Abbott and now Mr Turnbull—the last hundred days we are talking about in detail—85 per cent of bulk-billing is undertaken. What was the figure under Labor—the mob who reckoned that we were engaging in 'Mediscare'? Seventy-nine per cent. Isn't it amazing? Less than 85 per cent. More importantly, under this government, with the confidence that we have of being owned and trained and ridden by our excellent leadership, we have 17 million more people using bulk-billing. Isn't that an incredible thing for what is apparently called 'Mediscare'?

Pharmaceutical benefits—what have we done with the excellent minister, Minister Susan Ley? We have more than three times the number of pharmaceuticals now registered in the Pharmaceutical Benefits Scheme. If that is failure, I will own it. I will own that failure every time. As of 1 October 2016—I think that fits within the hundred-day envelope, doesn't it, Senator Paterson, through you, Acting Deputy President; I think 1 October fits in—another 2,000 medicines have been included in the Pharmaceutical Benefits Scheme, reducing the cost by millions of dollars to the Australian taxpayers, who I hope are listening to this presentation this afternoon.

Our defence industry plan brings defence manufacturing back to Australia. Excellent work will go on in Western Australia. And, if ever the South Australians get rid of their Labor government, get rid of their nonsensical attitude to their renewable energy electricity, which sends their state into darkness, they will have some chance of spending $50 billion on new submarines. Most likely, they will end up being built also in Western Australia. I could go on for the entire nine minutes about what we are doing in defence industry: new submarines, new air warfare destroyers, new offshore platform vessels et cetera.

I could speak about the free trade agreements which we are negotiating at the moment with 11 other countries—the Trans-Pacific Partnership. Forty per cent of the world's economy is tied up in those 12 countries. This, of course, is after the apparent failure—I would call it the immense success—of then trade minister Andrew Robb, now being undertaken in this hundred days by Minister Steve Ciobo, the trade minister. Free trade agreements with a few miserly little countries: China, Korea, Japan. Do not know much about them.

Senator Lambie interjecting—

Senator BACK: I will talk to you one day, Senator Lambie, about free trade agreements. You understand nothing about the investor dispute-state service. I will explain it to you one day in simple terms so you too can understand it.
We come now to the work of Senator Birmingham and what he has been doing in reversing the shocking Labor failure under VET FEE-HELP. I sat—Acting Deputy President Ketter, before you were in the Senate—in the Education, Employment and Workplace Relations Committee and I said at that time in those committees, 'You will set up another pink batts disaster. You will set up another Gillard memorial halls disaster.' And we have seen the wastage of billions of taxpayers' dollars on VET FEE-HELP, which of course Senator Birmingham—in the hundred days that was the subject of this question from Senator Gallagher—is now trying to wind back. He is winding back that corrupt loss. When I talk about people who cannot buy a horse, train a horse or ride a horse, the Labor opposition fits right into that analogy.

In my own industry, that associated with livestock, I look at the strength of livestock prices—beef prices, sheepmeat prices, live animal prices—as a result of this coalition government. Remember, we came off a pretty low base, I must admit. That was after Labor in government banned the live export trade and destroyed the live export of sheep and cattle out of this country. So I do admit we are coming off a low base. There is tremendous confidence now in the agricultural industries of this country as a result of the decisions of our coalition government. There is employment in Australia through processing, through live exports, through production. Senator Williams knows as well as I do the tremendous investment that is now going back into agriculture.

I will talk about another industry with which I am wonderfully familiar, and that is LNG. We have failed so badly that in 2018-19 we will go past Qatar as the biggest exporter of LNG in the world. I was in the country of Azerbaijan only two weeks ago and they were saying to us, 'Look at what you in Australia have done.' Chevron and their partners—US$100 billion of investment. Is that some failure? You call it failure; I do not. Only yesterday, we had the first cargo of liquefied natural gas from the second of the two 4½ million tonnes per annum projects out of Gladstone. What wonderful performance we have had in that industry! Again, in only the last couple of days, Senator Paterson—through you, Acting Deputy President—there has been a whole stack of new interest in the sale of and increased pricing for coking coal. And for those who get concerned about coal: no, it is not the thermal coal that produces electricity; it is the best quality coal in the world, which is used for steel production. I hope that even those who are opposed to the generation of electricity from hydrocarbons at least recognise that we do need steel.

It has been 800 days without a single person coming to Australia through that shocking trade of people smuggling. How much longer can I go on for? I am proud to be on the horse that is going to win the Melbourne Cup year after year after year.

**Senator LAMBIE** (Tasmania) (16:53): Well, I have to say I am divided; I have mixed emotions. Part of me would like to side with Labor and condemn the Turnbull government for their lack of achievement. There have been some achievements for Tasmania, which I will speak to shortly, but there is still a bad taste in my mouth over the dishonest way the Liberals conducted their election campaign.

Everyone will remember that the Liberals were complaining about the lies and unfair comments being made about their health policy, but the reality is that they deserved every bit of that criticism. In Tasmania right now the public health system is in utter chaos and near
failure, not because of the great efforts of our nurses, doctors and paramedics but because of
the negligent management provided by state Liberal ministers and their senior bureaucrats.

While the Liberals were complaining about so-called Labor lies, the Tasmanian Liberal
Party director, Sam McQuestin, told barefaced lies in newspapers about JLN voting
preferences. During the election campaign I had—I state again—an open ticket. Despite what
the Tasmanian Liberal Party director, Sam McQuestin, said during the election campaign, at
no stage did the JLN ever preference any political party on its how-to-vote cards. But it is not
usual for Liberal Party state directors to be dishonest, is it? Who could forget the
performance of former Tasmanian Liberal Party executive Damien Mantach, a proven liar and
close colleague of Sam McQuestin, who, as the state director for Victoria, was found guilty of
theft after he embezzled $1.5 million in party funds. Mr Mantach was also found guilty of
deception to gain political advantage. According to an ABC report:
Mr Mantach was forced to resign after using a party credit card for $48,000 worth of personal expenses.
The report also said:
Tasmanian Liberal Party state director Sam McQuestin will not resign over the handling of former
director Damien Mantach's resignation in 2008.
The Sam McQuestin mentioned in this ABC news report of 28 August 2015 is the same Sam
McQuestin and Tasmanian Liberal Party director who told blatant lies to the media and
Tasmanians about my voting preferences.

The fact that this man has been allowed to remain the Tasmanian Liberal Party state
director just goes to show what sort of leadership controls the Liberal Party in Tasmania has.
It also shows why we need a federal anti-corruption body established as soon as possible. Mr
McQuestin, like all high-ranking Liberals and Prime Minister Turnbull, opposes a federal
ICAC. I will let Tasmanians draw their own conclusions on that. In the first 100 days since
the election a federal ICAC should have been established.

For Tasmania, the Liberal government made 21 election promises totalling $3.138 billion,
including $2 billion in funding for Tasmanian hospitals over the next four years and $150
million for the relocation and northern expansion of the University of Tasmania campus. The
key question that I have put to the PM and his ministers is: when will these promises be
delivered?

I am happy to say that my strong opposition to the Liberals' university deregulation plans—
and, of course, Labor's—was vindicated when Prime Minister Turnbull signed an MOU with
the Vice-Chancellor of the University of Tasmania for $150 million. Many people will recall
that I received the blame from Liberal Party members for Tasmania missing out on university
funding or investment after I voted down the former government's plan to deregulate our unis.
With the formal signing of the MOU, my stance has been formally vindicated. Tasmania now
has an extra $150 million in uni investment without our uni students facing the prospect of
$100,000 degrees.

Tasmania's St Helens community has been working for three years to win the right to have
HMAS Tobruk relocated to its waters and scuppered. Tasmania is the only state that does not
have an ex-naval ship as a dive site. Three states have been gifted, on average, $5.3 million to
relocate and scupper former naval ships. Tasmania wants the same deal as those other states.
The project would deliver a positive economic impact of at least $5 million per year extra and
up to 16 new jobs in the dive tourism industry on the east coast. That equates to $50 million over a decade. I would like to hear that Tasmania has been successful in its application. That is about the only thing I am waiting for, and it would be a real morale boost for Tasmanians to have, for the first time, a former naval ship, HMAS Tobruk, sunk in Tasmanian waters.

Senator PATERSON (Victoria) (16:57): I rise to contribute to this debate with great sympathy for those opposite. I imagine that when their Senate tactics team sat down and devised the MPI question for today it would have seemed quite a good idea at the time. It might have been when Senator Dastyari was still a member of the tactics team and they thought, 'We'd better make sure, on the hundredth day of the Turnbull government, that we have a motion to debate their failure in their first 100 days.' Unfortunately, timing is everything in politics. Who could have imagined that the day on which they brought a motion to the chamber to debate our failures would be the same day that we had a great success in this chamber—that is, passing a tax cut for 500,000 Australians.

I do not want to appear ungrateful. I love it when the parliament passes tax cuts, but I do have one small complaint to make, one quibble, which is that on this occasion, with this tax cut, we did not go to a division. I was looking forward to sitting on this side of the chamber to vote in favour of a tax cut. But I am sure there will be many more to come in the parliament in years ahead.

Unfortunately for the Labor Party, this has also been a very good week for the Turnbull government, because that was not the only momentous bill we passed this week. We also passed a bill to protect CFA volunteers, something very important to people in my home state of Victoria and something very important to the 60,000 people who volunteer for that service. It of course follows our great success in the previous sitting week, when we were able to pass, thanks to those opposite—thanks for your support—$6 billion of savings in the omnibus bill. Again, that is another great achievement of this government in this parliament, something I very much enjoyed participating in and hope to participate in many times to come.

I realise as the chamber is filling that it is not to hear my scintillating contribution to this MPI debate, although I am flattered. I might yield the rest of my time so that we can get to maiden speeches.

FIRST SPEECH

The PRESIDENT (17:00): Order! I remind senators that we are about to hear two first speeches and that we extend the normal courtesies to the two senators about to give those speeches. Firstly, I call Senator Chisholm.

Senator CHISHOLM (Queensland) (17:00): Being elected as a senator for Queensland is a daunting task. The expectations of Queenslanders weigh heavily on me to protect our natural wonders, provide hope for the future and represent the many different cultures that make up my great state, including the many Aboriginal and Torres Strait Islander traditional owners, custodians and elders of the lands of Queensland, whom I acknowledge. I also acknowledge the traditional owners of the land on which we meet today: the Ngunawal and Ngambri people and their elders past and present.

I believe we are in danger of being swamped by cheap populism, bigotry and falsehoods. There are many significant challenges facing our country, but the views espoused by some of my new senatorial colleagues are born in the politics of fear and isolation. This is not to be
dismissive of the voters who elected us. They sent a powerful message that I intend on listening to and addressing in this speech.

For those who have known me a while, there is a pre-Stella me and a post-Stella me. There is no doubt that the first version would never have become a senator. I am very lucky to have Stella in my life and I thank her for the ongoing sacrifices she has made for me to be here today.

Hello to our three beautiful children, Elouise, Sofia and Xavier, who are all starting to understand that I am away a bit more than normal. The first thing Elouise did when the sitting calendar came out was check whether it clashed with her birthday. Sure enough, we are sitting on 30 November—her eighth birthday. Not one to waste an opportunity, Elouise immediately requested a more substantial birthday present. I am sure the Parliament House gift shop will deliver the perfect present for an eight-year-old girl! Sofia, when I am travelling I will keep an eye out for those rare Beanie Boos you are chasing. Xavier, I think your kicking is coming along very well—very good off the right foot, but I promise to do more practise on the left foot. Whilst I can sometimes get caught up in the work I do as a senator, there is nothing more important to me than being a good dad. Over time I hope you get a better understanding of the work that I do in this place and I hope that is something you can be proud of, but I will always strive to be the best dad I can be.

Of course, there is an element of fraud for any Queensland Labor member to stand in the upper house of a parliament given the events of 1922, when we abolished the state upper house. I hope I can make a difference to justify the outrage from the grave the suicide squad of 1922 is no doubt feeling.

I pay tribute to former Queensland Senators Jan McLucas and Joe Ludwig for their dedicated service and enormous contribution in this chamber; particular thanks to Joe for his advice and guidance over many years. Thanks also to Senators Ketter and Moore for their support. I look forward to working with my new Labor colleague Murray Watt.

I intend to do the impossible in this speech: prove to my Labor colleagues that former state secretaries have a heart and a soul! My good friend Senator Dastyari has made a head start on me in this regard.

I have always been fortunate in my life, but from a young age I always understood some people were less so. I was named after Anthony Porter. Anthony was born with extreme physical disabilities. Not long after his birth Anthony's family were told not to expect him to survive beyond his first birthday. My mum, Marion, volunteered to help care for Anthony as part of a community effort to help the Porter family manage life and attempt to help Anthony's long-term recovery. Some of my earliest memories are in the company of Anthony and his family and friends. Despite Anthony's challenges he possessed a magnetic personality and a wicked laugh that drew people to his court, and despite his struggles I find most of my memories of him are happy ones.

Whilst for many years Anthony defied the odds, he did not lead a long life, passing away in the year 2000 at the age of 31, but his remarkable family along with other community members were able to set up a long-lasting service to help families confronting similar challenges. That house was called Handihome, but is now called NIRAN. The title comes from the first two letters of the names of its original residents: Nicole, Irene, Annette and
Anthony. NIRAN is based in Aspley, not far from where I live. It provides full-time care for disabled people and has housed numerous over the last couple of decades. When you spend any time at NIRAN house you get a sense from the parents of the people who live there how grateful they are to have such a service. As the parents themselves get older in life their concern always turns to who will look after their children when they can no longer do it themselves. The start-up of the National Disability Insurance Scheme is providing great hope to these families and, I am sure, countless others around the country. I will be vigilant to ensure the NDIS delivers for those who need it most.

My family has a long history of helping with fundraising and other activities at NIRAN. My mum currently serves as president and all my family assist in one way or another. This community-mindedness has been at the heart of my upbringing and has been inspired by my mother, Marion, who still dedicates much time in her life to causes such as NIRAN and St Vincent de Paul along with myself and many family members. The work I have done with St Vincent de Paul in my local community over the last seven years has given me a tremendous insight into the daily struggles many families have. Whether it is assisting in callouts or the annual Christmas hamper delivery, it keeps your feet firmly on the ground. Standing with a mum in suburban Brisbane with a couple of bags of groceries and some toys, and handing them over to her as tears well in her eyes, you know that without this, Christmas would be just another day and there would certainly be no toys under the tree come Christmas morning. The saddest part about this is that when you do it again the next year and see a lot of the same families.

It is this upbringing that will drive my ambitions and hopeful achievements for as long as I am in this place. For many years I served as state secretary of the Labor Party in Queensland. I oversaw success and failure, but I come here stronger and more experienced for it. History-making state election wins in 2009 and 2015 certainly outweigh any disappointments. I will be forever grateful to the branch members and MPs who supported me through my time as secretary. Particular thanks go to Sharon Neame, Linus Power, Jimmy Sullivan, Anika Wells, Jon Persley and Premier Palaszczuk, who worked closely with me in my time as secretary. Thanks also to my current staff—Bart and Liam.

As secretary, and now senator, I have enjoyed enormous support, even when this has not been the easiest task for many people. But I will always be thankful and endeavour to honour that support by being a representative they can respect. Thanks to Ben Swan and Scott McDine and the AWU for their unwavering support; to Chris Gazenbeck and the SDA; Peter Biagini, Scott Connolly and the TWU; Gary O’Halloran and the Plumbers Union; and to Neil Henderson and the ASU. Thanks also to my good mates Paul Howse, Andrew Fraser and George Wright for their friendship and guidance over many years.

I have also been fortunate to have some excellent mentors: Wayne Swan and Mike Kaiser are the two most significant. It is tremendous to be serving in the same parliament as Wayne, and Mike has always made time to provide advice that was timely.

I also have some great friends who serve with me in the current parliament, in my great mate since my days at uni, Jim Chalmers, and in my predecessor as state secretary, Milton Dick. It is exciting to be serving with you both, along with my good friend the member for Blair.
My father, Neville, passed down two beliefs: one was in the Carlton Football Club and the other was in the Australian Labor Party. It is fair to say that I have got much more joy out of my Labor membership than I have from my Carlton membership over the last 20 years! My father's family had a long history of involvement in Labor politics in his home state of Tasmania. The Apple Isle is also the home state of my mother and all my brothers and sisters. I am the exception, as my family moved to Queensland not long before I was born.

While at primary school I can remember the disdain my parents had for Sir Joh and their excitement at the emergence of Wayne Goss. By the time of his sad passing I was able to call Wayne Goss a friend—his style of honesty, integrity and perseverance for reform is one I hope to honour with my work as a senator.

Growing up the youngest of five had its advantages, especially at Christmas time. Once my brother and sisters entered full-time work, the quality of Christmas presents improved greatly! Thanks to John, Melinda, Michelle, Dearne, Les and Karen for their love and support, along with my nieces and nephews Riley, Billy, Lochie, Tom and Kenzie. Thanks to the extended Chisholm, Leary, Bowes and Nothling families, many of who have travelled here today. Thanks also to Stella's family: Maria, Carlos, Jason, Charlie, Stacey, Isabel and Amelia.

My upbringing was more focused on what you had, rather than what you did not have. A good example is the family car. Until the early 1990s it was a blue 1974 XB Falcon. How no-one died from the fumes coming through the rusty floor in the back seat is a miracle. It is these experiences that shape your ambition and priorities. Home ownership is a challenge for many Australian families, my own parents included. What many people take for granted is simply unattainable for some. The median house price in Australia is now around 5.6 times what the median annual income is. This is up from a ratio of less than three in the late 1980s. Labor has made a brave first step in tackling this issue with its recent policy with regard to negative gearing. It is important for the nation that we continue to tackle the generational disadvantage that is looming from an unfair housing market. We must be prepared to push harder.

Another aspect of home ownership that needs urgent progress is that for Aboriginal and Torres Strait Islander communities. Imagine growing up in a community, on land that is your traditional country, but you are unable to purchase your own house—generation after generation. For too long there has been very little progress on resolving land tenure in Aboriginal and Torres Strait Islander communities. Whilst I can understand the fears and uncertainty of people within communities on changes to land tenure, for the prosperity of future generations I believe change is vital. Any change cannot be at the expense of the rights of traditional owners.

Another associated challenge with home ownership and financial security for many people is financial literacy. When you grow up knowing money is tight, it becomes a subject that parents and children do not discuss. This can only add to generational disadvantage. Any lack of literacy also increases the risk of people being taken advantage of by unscrupulous operators. The start of compulsory superannuation means more working people are involved in actively planning their financial future sooner, but more must be done to ensure financial literacy is improved amongst all members of the community.

As involved as I have been in politics over the last twenty years, I was always careful not to let it dominate my life. It has come close many times, but never quite got there. The key to
this for me has been maintaining some old friendships that date back as far as primary school. My Wavell High mates Matt and Leisa Bauer, Paul and Megan Kay, Stu and Lavinia Affleck, Paul and Miranda Fabre, and my primary school friends Dan Goodwin, Ben Hollis, Lonnie Swain, Chris Channon and Robbie Ward are all still close friends today. None of them work in politics, and for me they provide a regular reminder of what is important in life and where politics fits into it for most people. I hope that does not change.

It has been said before that Queensland is the most decentralised state in mainland Australia, where more people live outside the capital than in it. It is also arguably the most diverse state. Torres Strait Islanders live a very different lifestyle to people in New Farm, and there are plenty of differences between the average day of a miner in Blackwater and of a surf instructor at Burleigh. In any other continent these cultures, climates and communities would be separated by national borders or further state borders. This diversity results in quite different economic, social and health outcomes across the state. Too often, the pain of an economic downturn has a larger detrimental impact outside of Brisbane. Current unemployment in areas outside of Brisbane is a percentage point higher on average than it is within Brisbane. This is up from a difference of just half a per cent three years ago, indicating a growing divide.

Wages data in Queensland also highlights differences across the state. The average wage in Greater Brisbane is almost five thousand dollars greater than in regional Queensland. This also underscores the importance being a senator for all of Queensland. I have already spent time in many regional towns throughout Queensland, and this will remain a strong focus of my work.

We also see this volatility electorally. The recent election saw the lowest vote for the major parties in Queensland since World War II, a combined 74.1 per cent. So this was not a business-as-usual election. Fears about economic inequality and technological change, job insecurity, low wage growth and high unemployment are some of the factors that drove people to look for alternatives.

Queenslanders are a loyal mob. Many of us like to stick close to work and family, so for many the idea that their future does not lie in their traditional workplace or community is hard to accept—especially when rapid change can often leave small towns or regions behind. Coupled with being told to work until you are 70, this combination, for many people, does not make for an exciting time to be alive. It makes them fearful for their future and that of their children.

It is only Labor that can ease these concerns, provide solutions and a long-term vision that Queenslanders can grasp. For a state like Queensland with such wonderful natural assets, like the Great Barrier Reef, getting the balance right between protecting these pristine environments and providing long-term prosperity and jobs for many workers is a challenge we must get right.

I understand the importance of a growing economy and the role business plays in creating jobs and economic wealth, but this cannot be unfettered. For every kid that finds their way and makes a start that is fantastic, but for those who miss out or do not have the same luck the state must be there to provide that support. Whilst I believe much of the vote drivers behind this are related to challenging economic conditions, there is a real distrust of politicians and a
lack of faith in our ability and our parties to get the answers right. There is also a cynicism around the system.

One aspect which I believe needs urgent attention is donation and disclosure reform. Whilst Labor has a better record than the conservatives is this regard, we can always do better and changes in this area that are bipartisan survive electoral tides. I intend to be active in this important debate to ensure public confidence in our democratic systems.

Today marks the fourteenth anniversary of the Bali bombings where 202 people lost their lives, including 88 innocent Australians, most of whom were just enjoying a holiday in Bali. This is a stark reminder of the danger facing Australians at home and abroad.

Since 11 September 2001 more than 30,000 Australian Defence Force personnel have served in Afghanistan and more than 20,000 have served in Iraq. Currently, we have more than 2,300 Australian troops deployed in operations around the world. It is important to recognise the work our armed forces do and ensure they, and their families, receive appropriate and ongoing support throughout their lives.

The threat from terrorism has subsequently led to significant legislative changes designed to protect Australians. I will be vigilant in my duties as a senator to support laws and actions that protect us. There is a fine line to tread with the Australian people for legislators in this regard. At a time of real threat to our people, Australians are trusting of parliament taking action. But if parliaments or governments abuse this goodwill, the consequences will be felt for generations to come by making the country less safe.

We cannot let hate, fearmongering or divisive politicians seek to exploit genuine fears for political gain. Protecting Australians must be the priority, but it needs to be balanced with civil liberties and protecting our privacy. It is important that all members are prepared to question proposals or legislation. It means you are doing your duty to the Australian people for generations to come.

In closing, the challenge we face as senators is a great one—growing inequality, rapid technological change, the urgent need to better protect our environment, an increased threat to the safety of Australians and an impatient public. Being elected a Labor senator is a tremendous honour. I look forward to playing my part in solving these great challenges, speaking out on behalf of Queensland and dedicating myself to representing those people who need it the most. I thank the Senate.

The PRESIDENT: I again remind senators we extend the normal courtesies.

Senator CULLETON (Western Australia) (17:20): I stand here in this chamber today to present my inaugural speech on oath, to deliver my message to the Australian people. What follows will be the truth, the whole truth and nothing but the truth before almighty God and the people of Australia.

To senators, veterans, Indigenous elders of this great land and all Australians, Pauline quoted 'I'm back!' My quote is: 'I'm here! Despite all attempts to silence the WA voters' choice, I am here—bright-eyed and bushy-tailed—despite all attempts to deflate my tyres on the drive over from Western Australia.' As one would know, a good farmer always keeps a good puncture kit handy in the ashtray of the ute and a good toolbox in the back. It is true it can be hard to pull up a cocky.
Just reiterating a few housekeeping rules: it appears that during other speeches certain members are leaving the field before the final siren goes, so if any senator wants to leave now is as good a time as any.

I pay tribute to my party leader Pauline Hanson, the PH in One Nation. A good PH balance will grow a healthy Australia, and this 'hung parliament' promises to do exactly that. Being a Nationals voter for 35 years, I am honoured to be a One Nation senator representing my constituents in WA. With the support of my fellow senators Malcolm Roberts, Brian Burston and, again, Pauline Hanson, One Nation is the awesome foursome. We will be your voice in the Senate. We will work with other crossbench senators and both sides of the chamber to ensure Australia is heard and effectively represented.

On my first day of parliament I witnessed members singing out of the same hymn book in St Andrew's cathedral in Canberra. This now needs to be mirrored in both chambers in the Australian parliament. As a farmer, it is true, the only audience I have had to address up until now has simply been a mob of sheep in the yards. If I sound a little rough, rest assured I will apply a little bit of choke until I get up to running temperature.

I want my actions in this place to reflect my own personal experiences, and having been locked in a financial crocodile roll for the last six years with people trying to steal my intellectual property, I have lost all incentive to invent anything again. But I have not lost my incentive to fix the mess so it doesn't happen to others in the future. Prime Minister Turnbull says Australians need to become more innovative. I would say innovation raises a flag to attract large corporations to attack the innovator of a great idea, so let's fix that first.

My inaugural question in the Senate on 12 September this year was to the honourable the Attorney-General and concerned the inconsistencies and unconstitutional behaviour of our courts. I have started in this place as I mean to go on, with my inaugural question aiming right at the middle stump on constitutional issues. That question was unprecedented and referred to the High Court rules review committee. It is on notice that Dennis Lillee wasn't the only best bowler to come out of Western Australia.

The hunted has now become the hunter. Australia is not running on all cylinders and it is desperately in need of a tune up, to simply put the blue flame out and put it into overdrive. This will be done with the support of my team in Western Australia and those of my colleagues who are prepared to put the best interests of this country first. During tough times, my family always stood firmly by me and reminded me that fail means First Attempt In Learning.

One man's fortune is another man's misfortune. I have experienced highs and lows in business, but Australians are fighters, and the attitude that has built this nation is to 'never give up'. The reality for Australians today, however, is that the fight is not being carried out on a level playing field. It isn't a fair go, and the battle is too often against our own governments and those who purport to uphold the laws. For too long in this place, successive governments have defied the Constitution our nation was founded on, and in doing so have ignored their duty of care to the people of Australia. Australians—not a global government pushing UN dictates which undermine our sovereignty—are the defenders and upholders of the Constitution and our laws. It is long past time for an Ausexit from the UN and removal of all its shackles.
Agenda 21 demands, such as deregulating or removing the laws that have provided ethical guidance for foreign corporations in this country, have been responsible for the attitudes we see in our banking institutions, such as 'Can do' or 'We live in your world', when dealing with their clients, as recent inquiries have exposed, and are still being ignored by this government. The reason why the Australian people want a royal commission is the very reason banks don't. It should not be about going to our government and asking for a royal commission; it should be the people's right to demand one.

A parliament is not acting in the best interest of the Australian people if it doesn't listen. A royal commission or a re-constituted grand jury is inevitable and it will happen. Justice demands it. In the words of Martin Luther King Junior, 'The arc of the moral universe is long, but it bends towards justice.'

Background: I am a fourth-generation farmer from the upper Great Southern region of Western Australia I attended both primary and secondary schools in Narrogin. While I may have got up to a little bit of mischief as a child, I always defended others against bullies and stood up for what I believed was right. I defended my principles. At the time I started my career in the wool industry Australia was riding on the sheep's back. The wool industry was large, prosperous and well regulated, protecting both the industry and its consumers against poor quality product and exploitation of its farmers and communities. I ventured into that industry, trading on futures and buying the Australian wool clip.

In 1981, I started working at my father's business in Narrogin and surrounding districts, where I was one of 21 employees in his 35-year-old wool-buying business. Yet through privatisation that level of competition was removed. In fact, it has become extinct. Growers now carry the risk and are considered captive to current markets. The term privatisation, itself, is just a con. The reality is that foreign corporations are the beneficiaries of our tax laws and our lack of regulatory structures.

My father's business was on fire until January 1991, when the Australian government announced the suspension and later the abandonment of the wool reserve price. The primary industry minister back then, John Kerin, on 11 February 1991 made announcements which would change the wool industry forever. After being suspended for almost six months the price fell from 870 cents a kilogram clean to 700 cents a kilogram clean. The wool industry had stalled until, through government intervention, it fell further, from 700 to 430 cents a kilogram clean. In other words, another commodity stabilisation scheme had failed, leaving the Australian industry with a stockpile of 4.6 million bales of wool and close to one year's normal production, and a debt of $2.7 billion. A national disaster was the result. It was the biggest economic collapse in this nation's history and, like the recent beef and dairy industry disasters, it was also created by inappropriate government policy.

This period still haunts me today because, like others in the industry, my father's business was dealt a lethal blow. The government then took considerable time to press the reset button, which started the demise of a magnificent Australian industry. Private buying would never perform to that standard again. Government intervention further caused the collapse of the price and also destroyed the livelihoods of producers, traders and decimated rural communities. Our stock was worthless, although growers were granted a supplemental scheme and did not feel the immediate impact at the time; however, my father's business did not qualify for such compensation. As a result, the national wool industry finished overnight.
The government was not finished with the industry however, and ordered 20 million sheep to be culled. The sheep were gassed and shot en masse as a result. I remember going to a farm to look at a clip I purchased in Kulin—one on the back—and I thought the main power had failed, as the grower had the generator going. I found that the petrol motor running was being used as an improvised gassing plant. The farmers were running sheep into the back of semi tippers, rolling the tarp over the top, shutting the back tailgates and gassing the young sheep to death—under instructions from the then government! I vomited over the fence, as a lot of the sheep appeared to be still clinging on to life. I saw numerous stray sheep in bush reserves, and many pits dug around the region to dispose of such sheep carcasses. These memories still haunt me today and I can still recall the smell of Phostoxin in the air.

Like then, a national disaster was caused by implementing poor political decisions, made in ignorance, without appropriate research, by politicians who simply refused to go out to the coalface to learn the consequences of their actions or to rectify their initial errors. When it was clear the government policy had failed, where was Plan B? These ongoing and systemic policy failures by governments have accelerated the degradation of rural families and communities, including beef, dairy and sugar. That has seen the decline of rural communities across Australia. Rural Australia runs on passion and commitment. Agriculture runs on hope and faith, and builds the true-blue Australian character that has built this nation—a character that may soon become extinct.

Had the Nationals and other major parties been doing their jobs for farming families and their communities today through proper representation, our farming industries would still be vibrant. The sad reality is that too many rural families feel shunned by their own communities, ashamed to speak out about the unconscionable treatment by the banks, lawyers, receivers, auctioneers and their agents. They feel there is nowhere to turn, and then find that the very politicians who enacted the inept policy decisions that caused the collapse of their businesses are just as quick to refuse help to farming families, and continuously accept large donations from the foreign banking corporations entrenched in this travesty of justice. The Nationals believe that farmers need access to more debt: another band-aid solution. This could not be further from the truth.

Farmers do not need more debt. They do need a rural bank that will work with them, without making adjustments to property values based on one year's weather events or on knee-jerk decisions of government. Farmers’ biggest risks once focused on hopes of getting 'plenty of rain to produce plenty of grain'. Now our farmers are paid a price that has no bearing on the costs of production, quality controls or even the retail market prices. With foreign corporate retailers dictating market prices as well as farmgate prices, our farming families are denied any market control or voice. Every year they are locked into a system that extracts more and more from them, and does the same at the consumer end of the market.

Before deregulation, Australia had the lowest grocery prices in the developed world and a quality second to none. Post-deregulation, however, Australia's consumers now pay the highest grocery prices in the developed world, with much of the food on offer imported and devoid of the quality and safety controls that our own farmers meet on their world-class products. The foreign-corporate middlemen extract higher and higher profits at the expense of both farmers and Australian consumers. That must end. Australian farming families and consumers deserve the benefits of their nation's own quality produce.
While the ANZ Bank, as agents to the rural program, proceeded to destroy farmers across the country, I contacted Terry Redman, the leader of the National Party and Minister for Lands and the single shareholder. Terry Redman and his National Party colleagues turned their backs, not only on me but on all farmers, and did absolutely nothing, allowing properties like Yakka Munga and my farm to be stolen by the ANZ bank, aided by a corrupt court system. ANZ Bank and their lawyers sold the Webb-Smiths' property to Burra Energy, a large fracking company. They later ignored further written advice and approved the sale to the Chinese, despite the property having been taken without court orders. The fracking site is only 44 kilometres from a freshwater reservoir near Roebuck Bay, which is located near Broome in Western Australia. How can any responsible government consider that acceptable—environmentally, socially or economically?

The reason that the foreign investors want to buy our land is the very reason why we should not be selling it. It is clear that our governments, through the UN, are supporting a world government that will strip sovereignty, and ensure international—not national—ownership of farms by transnational agribusiness corporations, branded TNCs, and global investor partnerships. This will result in more imports for local consumption throughout our domestic markets, and further destruction of our primary industries and the national economy. We as Australians must remember the sacrifices of current and past Diggers; sacrifices made for all Australians and for all that this nation represents and values.

Before we take the word of a major political party who receives large donations across the board from the big end of town, the foreign banks, the duopoly retailers and others and then just accepts their decision, we must be mindful of the consequences of their treacherous betrayal of our freedoms, our heritage and our constitutional rights. We, too, owe a debt of gratitude to those who have gone before. We, too, have sacrifices that we must make to guard and uphold the freedoms passed from generations long gone. When the government committed Australians to the Trans-Pacific Partnership and the G20, despite vehement opposition across the country, did they ever, ever, ever discuss the terms and conditions with the Australian people? Did the government take the proposal to a referendum, as demanded under the Constitution? No, they did not. It appears that all major parties live in hope that the Australian people will abandon their present democracy and their Constitution and let today's politicians formulate a new constitution based on the very imposts they have already forced on the people of this nation in breach of our constitutional rights, and all done without the consent of the Australian people through referendum.

When I attended Senate school recently, I was handed a Senate pack which contained a pocket addition of the Australian Constitution, with overviews and notes by the Australian Government Solicitor. Due to certain disgruntled malcontents trying to remove me from the parliamentary 'poker table' through section 44(ii) of the Constitution—challenging my validity to stand here today as a senator under section 9—under Disqualification, I began to read and appreciate just what a powerful document our Constitution really is. It is the foundation document of our nation and clearly constitutes the Commonwealth of Australia. In this document lies the protections and rules that govern our rights and freedoms.

Before 1901, Australia was not a nation. From conventions, the Constitution was drafted and was then put to a vote by the people of the colonies, in referendums. On reflection, I was faced with the obvious question: why aren't we teaching our children the Australian
Constitution in our schools? By doing so, our children would know their rights and understand and defend the Constitution that underpins our laws and freedoms. How would Australians know what is being taken from them if they were never taught about this great gift they have? As I raised in my inaugural question in this chamber, our courts have side-stepped their responsibilities under the Constitution and are currently acting in defiance of the foundation rule of this nation—the Constitution. I stand humbled and honoured to have been elected to this place and make a commitment that I will continue to defend and uphold the Australian Constitution as an elected senator, a One Nation senator, and as part of a team that is destined to grow as the people of Australia come to understand just what successive governments have traded away and then stand with us to reclaim it back. This nation stands at a minute to midnight, and our obligation to future generations is no less than those who have gone before us and were prepared to do for us.

When my wife, Ioanna, and I purchased a farm to raise our children in Williams, we wanted them to learn respect and experience the chores required when living on a farm. If our children were disrespectful, they had to pack their own survival kit and go camp outside the front gate of the farm to reflect on their behaviour. It wouldn't take them long to walk back down the driveway and say, 'Dad, I'll mend my ways.' Other than respect, what they learned to appreciate is that grassroots is what reflects the best qualities of life. Instead of discouraging or disparaging the inventiveness and enthusiasm of our youth, our governments should be men and women of vision and inspiration—leaders who can set a standard that provides a model to our youth. This country and its people deserve our very best effort, and our future generations deserve no less.

Australia has been blessed with natural resources and attributes that remain the envy of the world. Our governments need to stop telling and to start listening and learning from the mistakes they have already made. Many today are oblivious of the threats to this nation. In 2003 I invented a revolutionary concept that saw me become an industry leader and also a major threat. It attracted attention around the world and dominated domestic markets. The patent was known and trademarked as 'Grain Keg'. This concept allowed my wife and I to set up a fully integrated farming manufacturing and logistics company to take our homegrown products by direct conduit to end-user markets. In simple terms: paddock to plate. Grain Keg was a leader in OHS risk and enabled bulk product to be introduced to existing feed rooms, and it would save thousands of tonnes of landfill. End-user markets were developed further domestically and right around the world.

In 2009 both Landmark and PCL, my financier, and Mitavite competed for the exclusivity of the Grain Keg Concept. I went with Mitavite and joined forces with the general manager, Graeme Dillon, and national sales manager, Colin Price. But the venture failed due to inconsistent products, which caused major palatable concerns, despite multiple warnings. Mitavite clearly pigeonholed the concept through exclusivity and encouraged patent trolls through Mitavite agents Dean Holzer, Peter Walsh and Jack Vivers to infringe all copyrights to my invention. I will reiterate: I have now become the hunter.

I went back to manufacturing our products through a new site developed in Guyra, New South Wales, and continued on with the servicing rights on the Grain Keg system. During this time, we were unaware that the Australian Wheat Board was self-destructing due to its involvement in the 'oil for food' scandal and was facing litigation of $1.8 billion from
international grower groups. They had about as much chance of flying as a grand piano falling out of a window of a 10-storey building. It was during this period of March 2009 when we purchased another farm. Like others, we were unaware that the AWB could not carry out funding past six months. Yet, many farmers were given an interest-only loan at the time for 22 years. Roland Andrew Davis, better known as the 'toe cutter' at ANZ, stated that the only way growers could get a payout figure was to sign a new ANZ Bank letter of offer—a formality of switching from 'green to blue' and all terms and conditions would remain unchanged 'until your next review'. The majority of farmers just simply signed over to the ANZ Bank, and before the ink was dry they were forced to pay sums of up to $6 million within weeks. Mr President, I wish to put you on notice that farmers don't have a general mortgage; they have a joint venture—meaning, at best, a lender will only lend you 50 to 60 per cent, so the other 40 per cent is the farmer's skin in the game. That is his equity.

Roland Andrew Davis also forced farmers to increase their personal injury and their death cover. When ANZ approached me to sign over to the ANZ they wanted all fixed and floating charges over the intellectual property, which was a new condition to the loan. I was the only farmer, as I did not sign. It was clear that both the ANZ bank and Rabobank were the main external funders and all the hedge providers that provided the money for the rural program, and Landmark, simply sat there as a Trojan Horse. The ANZ bank took it upon themselves to create new bank accounts that were foreign to my company and, upon completion, immediately defaulted my companies. This literally blew the tail feathers clean out of the backside of not only my own companies but also many other farmers around the country, and we had to flap like hell to keep elevated. However, some could not. Some hit the deck.

In attempts to avoid the ANZ bank taking down farmers, we literally stood up and took them head-on. The downside of the ANZ action was that it clearly put blood in the water, which invited other companies to also attack and go after my intellectual property in the Australian Keg Company. The company was forced to fend off a patent action where the quote from the lawyers exceeded $914,000. I was forced to go to the UK to sell the licence in Britain through Dodson & Horrell. Although they wanted it, it was hindered because, as an inventor, I could not guarantee the outcome of the patent challenge on one of the companies that held it that was currently before the courts; hence we had to fund this attack ourselves. And guess what? We won.

Upon my return, we were to appear before a registrar in the Supreme Court of Western Australia. We did not understand the ANZ had become an introduced virus infecting our businesses. It had taken over by stealth, as it had with many other farmers. Permanent Custodians Ltd was my true lender. On 28 May 2013—a date of infamy for this nation's courts—my wife and I appeared in the Western Australian Supreme Court before Registrar Whitbread, who denied us both the right to speak and awarded our farm, along with our life's work and assets, to be handed to Permanent Custodians Ltd, and Landmark as well.

Registrar Whitbread could have simply said, 'Mr and Mrs Culleton, this action is about you losing both your family farms and businesses, so I will grant a short adjournment for you to go down to the registry and fill out a form 6 to enable you to enter an appearance.' Registrar Whitbread chose not to clarify our situation to us, despite her being aware that both my wife and I were clearly inexperienced in court and court deficit. I learnt that day that the real law is called common sense law. Under that rule you only have three days to appeal. This rule 62
rule 4(a) is a guillotine order, which the Western Australian Supreme Court proudly does not allow to have set aside. On that day the Western Australia Supreme Court had proudly shut its doors on my, my wife's and my children's inheritance.

Through these actions of our state courts, I have come across people with severe mental and physical health issues. This includes people who have attempted self-harm and suicide. I have witnessed this on the frontline around Australia. In a meeting at Winton in Queensland with Bob Katter and Alan Jones, I gained an understanding of how many victims the ANZ bank had claimed Australia wide. The disturbing reality was that this was grossly wrong, and I was determined to stand up and fight, protecting not only my own interests but also many others who did not feel they had the strength or the knowledge to fight. I grounded my fleet, including my logistics company and the east coast milling enterprise.

I heard a very good analogy yesterday, a Monty Python analogy, come out of the chamber. I would like to apply my own Monty Python analogy in the chamber today: 'It's only a flesh wound. Come on, I'll fight you, you bastards.' And fight we have! Since Winton we have been able to keep many farmers on their properties, to keep producing and providing wealth for our economy. We have also been able to withstand the full assault of receivers, who were supported by multiple armed police officers and SWAT teams who held us at gunpoint, openly threatening farm owners as the receivers came to properties to evict us farmers. These illegal actions—I have just got to use a bit of choke here guys; I am running a bit rich—were exposed nationally on the 60 Minutes program in April 2015. Those same police officers have alleged that the receiver's car was stolen, even though they had the key and were filmed locking the vehicle before they left.

At my property in Guyra, while protecting my assets and myself from attack by a cranky tow truck driver, a single tow truck key valued at $7.50—that is what I valued it at—was deemed stolen, and is resulting in further court action. However, the truth will come out. And a warning: what I have to say next may be a little bit distressing. If I had to choose between being publicly disgraced by the media or removing a loaded gun away from a boy's hand, I would choose the first option again and again. I would rather be humiliated than risk losing another life. I can deal with that; he should not have to. During this experience I have witnessed cases where receivers have violated farmer's wives, children's mothers, and have forged signatures. As a result, growers have had in excess of $15 million worth of cattle removed from their properties and not one cent has gone off their debt to the bank. And yet they are still paying the loans. The cattle have been stolen by the banks' agents. One had the audacity to send the freight bill back to the farmer! It is this arrogance that is pushing people over the edge.

I have also spoken to a number of people wanting to take their own lives. A grower, watching this speech up there right now in the public gallery, tried to end it all by tipping 20 litres of petrol on himself and walking into an open fire, all because of the ANZ bank. He was in a coma for six months. And what about Jimmy Wayland's son who shot himself with a .222 in his first year home on the farm? Rabobank, this must end! The Waylands had to leave their son on a driveway of a farm for two days with a sheet over him until the coroner got there.

These growers were never a distressed asset and had perfect farming operations—as I did—but the government came in and shut down their live cattle trade and left them easy prey for the banks. Just the same as they did to the wool industry in the nineties.
During the last week's banking inquiry held by Mr Turnbull—which we all call the 'banker's belly scratch'—I was sent a note from a lady who was fighting with Rabobank. It was a suicide letter, because, after watching the news on the pathetic inquiry, she had given up all hope. So while the bankers were saying sorry, I say sorry does not cut it. Bank advertising needs to have warning signs like 24 cigarette packets do: 'If you take out this loan, be warned it could have health implications or cause death'.

Despite all the multiple warnings in my own case, all company assets which had no relationship with the land, were taken by my purported buyers, Graham Arthur Harding, and Matthew and Jesse Ford were put on notice that the properties 'to be bought' by them were not for sale. They were also put on notice that the farms contained assets of other companies that had no relationship with ANZ Bank or PCL. Despite these multiple warnings, they pushed ahead, conferring with ANZ Bank and continued to proceed with the purchase. The ANZ Bank sold the properties, 'walk in, walk out' on instructions of VNW real estate, Steve Vaughan and Hugh Ness.

They sold a magnificent asset for one tenth the price—including, 2,000 tonnes of grain stock worth well over a $1.2 million dollars. So they got it for nothing—and all the family furniture and belongings, which included our children's sports medallions. The ANZ Bank had acted unlawfully not only to us, but to a large number of growers around the country. We have yet to have our clearing sale. It was said that over 4,000 farmers had been sent to the wall by ANZ Bank. It was the biggest assets-for-Asia grab in this nation's history. ANZ Bank and the other major banks, including Rabobank, have clearly performed financial terrorism on the people of this country and they will be held to account.

A royal commission or a grand jury will happen. I appeared on 60 Minutes to show Australia what was happening to our farmers around Australia. The old saying, 'A picture speaks a thousand words', worked. This can be viewed on my website and my Facebook page and I urge all Australians to revisit it. It is called 'Farmers fighting back'. You will see that the ANZ Bank's receiver agents were clearly caught on camera in the kitchen of Bruce Dixon's farm, saying, 'We're not here to head-bash you,' and 'We can get the tactical response group in to remove farmers'. My proud son filmed that exchange and saved not only Bruce's 26 farms but many farmers and small businesses around Australia. We also saved his life.

Yes, it is true that over 40 police officers attended the Dixon farm. We were told: 'ANZ Bank is now in possession. You have only days to remove your items and equipment'. Who can do that in a farming operation? As a result, this clearly did not happen. That day reverberated a message to the banking industry right around Australia and there have been many beneficiaries from our actions in that program. Our farmers have been given their properties back. What bank goes around spending shareholders' money repaying all their bills, paying out their local accounts and giving their properties back and saying, 'Gee, I made a mistake.'

The police locked the receiver's car and left with the keys, which was all recorded on national TV that day. I have since been personally charged with stealing a motorcar that the receivers left behind at Bruce Dixon's that day. Twenty-two police officers have been called before the Western Australian Magistrates Court to give evidence against me. I still scratch my head and wonder how I got past so many cops that day. It has only just dawned upon me how talented I must be.
We need to keep things simple, respect others and activate our personal powers and tell the courts to smarten up. Family Courts, in which the legal vultures are feasting on the carcasses of the marriage vows, are treated as a joke, and this court needs to be reviewed now. We say 'don't drink and drive' because every life is worth saving, yet our Family Courts are driving 27 young healthy Australians every week to suicide. It is the solicitors' fees and potential trauma that is the very reason they do not want marriage reconciliation.

I am about to wind up. You have now been made aware of this as the custodians of these people. In fact, they may have voted for you. They, through their vote, entrusted you to act in their best interest. I, along with One Nation, want a moratorium to be placed immediately on the Family Court and not another life to be lost.

You are here for the Australian people, not for the corporations. Many ask: 'We have a constitution? What's that about?' These questions are feedback from a large sample of the Australian population and I was one of them until Senate school. The penny dropped. We all need to be aware of what we have, because, if we are not, we will never know if someone is stealing it or taking it off us.

This puts in doubt whether the shaping of Australia is in the best interests of the Australian population. An ignorant population is one that is easily manipulated by the use of lies, by omission and with false statements and promises. Trust in our country has eroded. Life does not have to be this tough for the Australian people.

Like farming, you only get a small window of opportunity. My vision for Australia is to give Australians a future. This can be done very simply by having governments and laws adhering to the Constitution. From the Constitution, the people's gift, we can invoke or revoke, correct and reform and re-establish. We can raise capital back through our primary industries, and by doing so we will sporn opportunities to rehabilitate manufacturing back on our shores.

The PRESIDENT: Senator Culleton,

Senator CULLETON: I am nearly there. I am nearly there. Trust me.

The PRESIDENT: You need to be nearly there.

Senator CULLETON: Other nations are envious of what we have. It is clearly God's land. I would like to see government-backed banks, a reintroduction of co-ops—and build a society that values and cares for the most vulnerable.

To conclude, if the judges do not respect law, how then can they establish law and order? If the Constitution is the grand express motorway, why would you take the road full of potholes and road works? Yet this is what our lawyers are doing. Does no-one care? People's hard-earned life assets are just stripped and the courts are the ones that drag out cases for years and make people homeless. I can say from my own experience: you would not want to break down in the desert with only one water bottle with a lawyer.

I stand in this chamber with respect for all those who share this responsibility and privilege as senators—and I do respect you all, Senators. I challenge each and every one to remember section 51 of the Constitution, which states that the parliament exists 'to make laws for peace, order and good government'. I put Australia and this chamber on notice. It is time those elected to the Senate did exactly that. There is an answer and a simple fix: bring back the Constitution and bring back our real laws.
To end, I want to say thank you to my biggest supporters: my incredible wife—just a bit more choke here guys—Ioanna; my sons, who have been galvanised heroes, James and William; and my beautiful daughter, Abbey. Without your support, I would not be standing here today. I said I would go in and fight for us and others as long as I did not lose the respect of my children and you have supported me right through. You are all my heroes. I would not be the man I am today if it was not for the love that you have shown towards me. I am a proud father, brother, husband and son. To Ron and Leslie, who are watching me now and who I am very proud of, I love you dearly. And for all the farmers: I said I would come here and when I made it simply say: and well may we say God save the Queen, because nothing will save these bankers! Thank you.

MATTERS OF PUBLIC IMPORTANCE

Turnbull Government


Senator DI NATALE (Victoria—Leader of the Australian Greens) (18:03): It is with great pleasure that I rise today to talk about the Turnbull government's first 100 days in office since the federal election. I am really pleased that the Labor Party has raised this MPI. It is really important to reflect on what we have achieved in the first 100 days of this parliament.

In just 10 sitting days since the election, we have seen a lot happen. But let's remember that what we have seen achieved in this parliament has been achieved largely through the support of the Labor Party. Together, Liberal and Labor have joined together to pass a range of cuts that affect the most vulnerable people across the community through the passage of the omnibus bill. They have expanded the growing gap between the rich and the poor at a time when the shadow Treasurer said that growing income inequality is one of the great challenges of this parliament. They have helped drive more investment away from Australia by slashing $800 million from the Clean Energy Innovation Fund and $500 million from ARENA. Again what we have seen is Labor and Liberal getting together to lump more debt and faster repayments on students and on recent graduates.

When it comes to superannuation, we have seen a rabid backbench within the coalition, egged on by the Labor party, ensure that the government drops its superannuation policy on after-tax contributions which only affects the top one per cent of people with super funds. And, to add insult to injury, we have seen just this week Labor and Liberal joining together to give the wealthiest 20 per cent of all Australians a tax cut at the same time as taking away support and valuable services from the great majority of the Australian community, stripping people who care for loved ones of eligibility for back payments in their carer's allowance, booting 383,000 families off family tax benefit supplements, boosting interest payments for people with Centrelink debts and cutting research and development investment.

This MPI should be more accurately entitled, 'What has the Turnbull Government, with the support of the Labor Party, achieved in its first 100 days?' There are quite a lot of shared achievements in a short period of time. Can you just imagine the outpouring and the faux outrage from the Labor Party towards the Greens if the Greens had sided with the government and supported just one of these measures? This is the Labor Party, champions of income inequality, saying, 'We are going to stand up for more fairness in this country,' yet they are
joining with the coalition government—we know what they stand for—to slash support for some of the most vulnerable people in the community and to give tax cuts to the wealthy.

The PM has described his great personal moral challenge—other than, of course, keeping his leadership by trying to appease a rabid right wing—as reducing the deficit. He did not mention this moral challenge for four weeks and then he shoved through a tax cut which my Senate colleague Peter Whish-Wilson described as 'an untargeted missile'—and he is right. It is six dollars a week into the pockets of banking executives and MPs. We all get it to get an extra coffee and a bite out of a muffin. And what is that supposed to do to our economy at a cost of $4 billion in lost revenue? It is revenue that could go to hospitals, to schools, to provide more support for new medications. Yet we have got both of the old parties in this place, the Coles and Woolies of politics, saying: 'We're prepared to give a tax cut to the wealthiest Australians. The government ignored all other options to reduce the deficit. It had so many of them. We had CEDA saying that neither the government nor the opposition are embracing the ideas put forward to them. Actually, we would get behind many of those ideas: progressive super contributions; taking the axe to the fuel tax credit; redirecting the private health insurance rebate into the public health system; raising taxes on luxury cars; negotiating better deals for PBS drugs; and negative gearing—which is one of those measures, it must be said, the Labor Party does support. We have got to tackle the myth of trickle-down economics—that somehow putting money in the pocket of the wealthy helps everyone. It does not. The great challenge for us is to ensure that we tackle income inequality by raising revenue from those who can most afford it and not cutting services. (Time expired)

PETITIONS

Circus Animals

Senator RHIANNON (New South Wales) (18:08): by leave—I present to the Senate a nonconforming petition on the use of animals in circuses.

DOCUMENTS

Consideration

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:09): I move:

That the Senate take note of the document.

I would like to take note of document 8 on the Red, which is the Department of the Prime Minister and Cabinet's Review of the Stronger Futures in the Northern Territory Act (2012), the review by KPMG. For people who for some reason may be unaware, the Stronger Futures legislation is the legislation that replaced the Northern Territory intervention—the legislation that the Labor government brought in, continuing the top-down punitive approach of the Northern Territory intervention. For some reason, it does not include a review of the income management measures.

The context of the review is that it is primarily 'a desktop analysis of existing data and reports, complemented by selected consultations with Australian and NT government officials'. The review takes place in three phases: reading of the legislation; literature review, consultation and data collection; and report and finalisation. The review notes—and this is particularly important—there being 'a lack of data'. They then say: 'Assessed against the
overarching objective of the act, which is to support Aboriginal people in the Northern Territory to lead long, strong independent lives where communities, families and children are safe and happy, this review finds overall that the first three years of the operation of the act have been largely effective.' I fail to see, through this review, how they could say that when there is no evidence to back up that statement and they themselves comment that there is a lack of data.

A whole 11 stakeholders were consulted, seven of which are government agencies—either NT government departments or the Commonwealth! To Commonwealth agencies: 'Do you think your operation under the Stronger Futures Act has been effective?' 'Yes, I do!' Of course they are going to say that! And who else was consulted? Outback Stores. Is that the same Outback Stores who have been pinged a couple of times very recently for supplying cheap sugary drinks, when their own protocols outline that they should not be putting cheap sugary drinks on sale and they are trying to promote healthy foods? In fact, that is why under the Northern Territory intervention the government said they were putting in place Outback Stores—so they could sell healthy food. If you are consulting government agencies, of course they are going to say they are doing a good job.

I am not surprised that they talk about a lack of data because it is quite obvious that there was not a proper evaluation of these measures under this review. Under 'Tackling alcohol' they say: overall, there is insignificant data available to the reviewers that would evidence comprehensive and robust links between the act and changes in key indicators of alcohol related harm over the period 2012 to 2015.' That is hardly being 'largely effective'. Under 'Land reform' they say: 'There is evidence to suggest that there has been some increase in take-up and investments made in communities by the government that would not otherwise have occurred.' Take-up by the government? You did not need this act to do that. Under 'Food security' it says: 'While it is not possible for this review to quantify the extent of the contribution made by recent store licensing measures to health and wellbeing outcomes in communities, the review finds that the response of stakeholders to the reforms was broadly positive.' Oh, that would be the seven government agencies that they have talked to and Outback Stores!

This is a fraud of a review. When you look at the very comprehensive review of the Northern Territory evaluation, it shows that the Northern Territory evaluation did not meet any of its objectives. Now we have this 'desktop review'—and I will be exploring in estimates how much it cost to get KPMG to carry out a desktop review. By doing a desktop review, they were obviously limited in the scope of what they could do. When is this government going to take seriously what it is doing in Aboriginal communities, and address Aboriginal disadvantage seriously, when it can't even be bothered funding a proper review of Stronger Futures and the measures they helped put in place? It is time to abandon that approach. It is time to abandon the top-down, income management, punitive, paternalistic process. It has been almost 10 years. It has failed. Admit it and do something better.

Senator IAN MACDONALD (Queensland) (18:14): Senator Siewert is quite critical about this report, but I have to say to the chamber and to anyone listening that it is a question of who you would believe on assessing these issues: either KPMG, an organisation with a wide and high reputation for accuracy and common sense, or the Greens political party. I thought Senator Siewert's quite
unfortunate criticism of the report emphasises the shallowness of the Greens' approach to most of these issues.

I did not want to refer to the whole of this particular document but to the part of the document relating to land reform. I have said a number of times that, for Indigenous people to reach their potential, they really need to have some form of land titles system which actually benefits them. I appreciate the Northern Territory is slightly different, but we have had native title legislation for 20 years and I cannot really see where it has benefited anyone—most importantly, Indigenous people. What the government should be really looking at is how Indigenous people can be given the opportunity, which every other Australian has, of using their land for their benefit and to improve their lives. To me, for all of the debate that has gone on over many years—mainly, I might say, by people living in Sydney, Canberra, Melbourne and Perth who, with respect to them, I think never really understand these situations—we really need to get some sort of system in relation to land titles that actually brings benefits and a better lifestyle to Indigenous people.

Regarding the Northern Australia white paper, which is now a year old, about which the minister delivered the first annual report just yesterday, there was a lot in that document which attempted to address the issue of land titles generally, but importantly in relation to Indigenous people and land in the Northern Territory. This report, of course, refers to the reforms under the Stronger Futures program in the Northern Territory specifically. Under the act, the Australian government enacted a package of land reform measures which were intended to extend opportunities for voluntary long-term leasing, particularly in relation to community living areas and town camps. Stronger Futures in the Northern Territory Regulation 2013 amends the Northern Territory legislation to allow the community living areas landowners to grant leases and licences for a broader range of purposes and to increase the threshold requirements for ministerial consent from 12 months to 10 years. By easing leasing restrictions and broadening the categories of habitable land use to enable economic participation, the Stronger Futures act measures are regarded to be compatible with human rights and the rights of Indigenous people to self-determination.

The report goes on and it is worth reading. It is taking steps towards what the government believes, and I believe, is a better arrangement for Indigenous people and the land that is theirs. It enables them to treat a parcel of land as theirs that they can build upon, be proud of, improve and, perhaps in cases, even make profits out of. That is where I think, in the interests of our First Australians, we have to look at it and try to advance that so that land ownership means something in a tangible form to Indigenous people and leads to a better lifestyle, more independence and greater pride for these Australians. (Time expired)

Senator URQUHART (Tasmania—Opposition Whip in the Senate) (18:20): I seek leave to continue my remarks later.

Leave granted; debate adjourned.
Stronger Futures in the Northern Territory Act 2012—Independent review under section 117 of the Act—Report by KPMG. Motion to take note of document moved by Senator Siewert and debated. On the motion of Senator Urquhart the debate was adjourned till Thursday at general business.


Department of the Prime Minister and Cabinet—Report for 2015-16, including reports of the Aboriginals Benefit Account, Aboriginal and Torres Strait Islander Land Account and the Office of the Registrar of Indigenous Corporations. Motion to take note of document moved by Senator Macdonald. Debate adjourned till Thursday at general business, Senator Macdonald in continuation.


COMMITTEES

Senate Procedure Committee

Report

Senator LINES (Western Australia—Deputy President and Chair of Committees) (18:22): As Chair of the Senate Standing Committee on Procedure, I present the committee's First report of 2016.

Ordered that the report be printed.

Senator LINES: by leave—I move:

That consideration of the report be made a Business of the Senate order of the day for Tuesday, 8 November 2016.

Question agreed to.

Senator LINES: I move:

That the Senate take note of the report.

This report addresses three matters that have been considered recently by the Procedure Committee. The motion I have just moved means that no decisions will be made on the report until the next sitting period so that senators may examine the two recommendations the committee has made for changes to the standing orders.

The first matter addressed in the report is the order of 21 March 2002 about photography in the chamber. Senator Hinch has a notice of motion for tomorrow to revoke the order, something that the committee recommended in 2014. The recommendation did not proceed at the time, when some senators expressed concerns. The committee respects that senators have different views and leaves it for the Senate as a whole to determine the matter when Senator Hinch moves his motion tomorrow.

The two recommendations made by the committee relate to ministerial statements and caring for infants.
The committee notes that the temporary order providing a right for senators to move to take note of ministerial statements without notice is working well and should now be incorporated into standing orders. That is its first recommendation.

The second recommendation arises from a proposal by Senator Waters in February this year for the rules prohibiting visitors on the floor of the chamber to be expanded to exclude infants being cared for by a senator. The current exclusion is for infants being breastfed. The committee felt that Senator Waters' proposal was a little too broad and involved difficult issues of definition. It revised a proposal examined (but rejected) in 2009, and decided that the 2009 proposal contained the necessary qualifications to provide senators caring for infants with a degree of flexibility, while recognising the essential character of the Senate as a forum for national debate and legislative deliberation.

The committee is recommending that standing order 175 be amended to provide that the prohibition against visitors on the floor does not apply in respect of a senator breastfeeding an infant or, at the discretion of the President, a senator caring for an infant briefly, provided the business of the Senate is not disrupted.

The committee thinks this strikes the right balance but understands that senators will want time to think about the proposal.

I commend the report to the Senate.

Question agreed to.

Scrutiny of Bills Committee

Report

Senator POLLEY (Tasmania) (18:26): I present the seventh report of the Senate Standing Committee for the Scrutiny of Bills. I also lay on the table Scrutiny of Bills Alert Digest No. 7 of 2016 together with the report of the work of the committee in 2015.

Ordered that the reports be printed.

Senator POLLEY: I move:

That the Senate take note of the reports.

I rise to speak to the tabling of the Scrutiny of Bills Committee's report on the work of the committee in 2015.

Background

As most senators would be aware, the Scrutiny of Bills Committee scrutinises each bill introduced in the parliament and reports to the Senate if it considers that a provision in a bill:

• may unduly trespass on rights and liberties;
• may inappropriately define administrative powers;
• does not provide for appropriate review of decisions;
• may inappropriately delegate legislative powers; or
• does not include appropriate parliamentary scrutiny of legislative power.

The work of the committee in 2015
The work of the committee in scrutinising bills against its five scrutiny principles assists and improves parliamentary consideration of legislation in a number of important ways. Outcomes of the committee's work include:

- amendments to bills;
- improved explanatory material;
- more informed consideration of issues in legislation committee reports;
- more informed debate in the Senate and committees; and
- more comprehensive Bills Digests.

The committee's 2015 annual report outlines some of the key achievements of the committee during that year.

In addition to the quantifiable outcomes of the committee's work (such as amendments to bills and revised explanatory memoranda) I take this opportunity to note the impact of the committee's work prior to the introduction of bills into the parliament.

In particular, I note various government legislative guides refer to the committee's reports and longstanding scrutiny concerns. In particular, the Office of Parliamentary Counsel has issued directions advising legislative drafters to alert instructors to provisions that are likely to be of interest to the committee. In 2015, OPC issued a drafting direction dealing with regulatory powers which noted that if certain provisions are too broadly drafted or not fully justified this may attract adverse comment from the Scrutiny of Bills Committee.

So while it is difficult to quantify the extent of the committee's influence before legislation is introduced into parliament, it seems clear that the committee's longstanding scrutiny concerns do have an 'unseen influence' on the development of legislation.

In addition, the committee's work has directly led to amendments to bills, revisions to explanatory material and contributed to parliamentary and public debate.

I would like to take this opportunity to briefly comment on one example of such an influence in 2015. As part of its regular scrutiny of legislation, the committee sought advice on a provision in a bill which sought to introduce a form of criminal liability for being 'knowingly concerned' in the commission of an offence. The minister provided a detailed response to the committee's concerns and, following the committee's request, presented a replacement explanatory memorandum containing this additional information. In addition, during the Legal and Constitutional Affairs Committee's public hearing on the bill several questions referencing Scrutiny of Bills concerns were asked of witnesses and their report extensively referenced the committee's comments. The parliament later agreed to an amendment which removed reference to the concept of being 'knowingly concerned'.

Issues of continuing interest

The annual report also notes some issues which the committee will continue to monitor into the future. For example, in 2015 the committee raised concerns regarding standard provisions in appropriation bills, which delegates to the executive of the parliaments power under section 96 of the Constitution. Section 96 provides that parliament may grant financial assistance to any state on such terms and conditions as the parliament thinks fit. However, a standard provision in the regular appropriations bills delegates this power to the minister. Given the Constitution grants this power to the parliament, and noting the role of senators in
representing the people of their state or territory, the committee requested additional explanatory material be provided to senators to scrutinise these payments, including detailed information about the particular purposes for which the money is sought to be appropriated. As a result, some further information has been included in relevant explanatory materials and the committee's work has informed debate on the appropriation bills in the Senate. The committee will continue to take an interest in the parliamentary scrutiny of section 96 grants to the states and draw this to the attention of the Senate where appropriate.

Acknowledgments

Finally, on behalf of the committee, I would like to take this opportunity to acknowledge the work and assistance of the committee's legal adviser, Associate Professor Leighton McDonald.

I would also like to acknowledge the assistance of ministers and departments, as their responsiveness to the committee is critical to the legislative process as it ensures the committee can perform its scrutiny function effectively. It is good to see that ministerial officers are becoming more prompt with their responses.

And, noting the committee's longstanding practice of undertaking its scrutiny in a nonpartisan, apolitical and consensual way, I also thank all of the current and former scrutiny committee colleagues for their understanding of the committee's approach to its work and their commitment to it.

I would also like to take the opportunity to acknowledge the detailed and extensive work that is undertaken by our secretariat. We would not be able to produce the quality of reports and do our job without their able assistance.

I commend the committee's report on the work of the committee in 2015, and the committee's 7th report and Alert Digest No. 7 of 2016, to the Senate.

Question agreed to.

Regulations and Ordinances Committee
Delegated Legislation Monitor

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (18:33): On behalf of the Chair of the Senate Standing Committee on Regulations and Ordinances, I present the Delegated Legislation Monitor No. 7 of 2016 of the Standing Committee on Regulations and Ordinances.

Ordered that the document be printed.

Parliamentary Joint Committee on Human Rights
Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (18:33): On behalf of the Parliamentary Joint Committee on Human Rights, I present the report No. 7 of 2016: Human rights scrutiny report.

Ordered that the report be printed.

Senator FAWCETT: I seek leave to have the tabling statement incorporated into Hansard.

Leave granted.
The statement read as follows—

PARLIAMENTARY JOINT COMMITTEE ON HUMAN RIGHTS
SENATE TABLING STATEMENT

I rise to table this first report of the Parliamentary Joint Committee on Human Rights in the 45th Parliament.

Given this is the committee's first report of the new parliament, I would like to take a moment to remind the Senate of the important role that this committee plays in supporting the Parliament's legislative process and reporting on human rights.

The Parliamentary Joint Committee on Human Rights is a scrutiny committee which examines and reports to the Parliament on the compatibility of bills and legislative instruments with Australia's international human rights obligations under the seven international human rights treaties ratified by Australia. This is in accordance with its legislative mandate under the Human Rights (Parliamentary Scrutiny) Act 2011. This is a technical examination and does not assess the broader merits or policy objectives of particular measures. The committee also has the ability to examine current Acts and to conduct broader inquiries into human rights matters referred to it by the Attorney-General.

The committee's purpose is to enhance understanding of and respect for human rights in Australia and to ensure appropriate consideration of human rights issues in legislative and policy development.

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

Most human rights are able to be limited if there is a proper justification for doing so in accordance with international human rights law. The committee's analytical framework therefore focuses primarily on identifying if a proposed measure might have the effect of limiting the enjoyment of a specific right and, second, whether any such limitation may be regarded as permissible or justified.

The vast majority of bills and instruments considered by the committee do not raise human rights concerns because they either do not engage any human rights or in fact promote rights.

Of the legislation that may or does limit human rights, the committee is often able to assess the limitation as justifiable under international human rights law. In these cases, the committee generally reports on the legislation simply by identifying it as not giving rise to human rights concerns.

The committee's approach generally focuses on those bills and instruments which raise human rights concerns and which have not been adequately addressed in the statement of compatibility.

These remarks I hope draw attention to the great importance of ensuring that statements of compatibility for bills and instruments provide considered and evidence-based assessments of how any potential limitations of human rights may regarded as justified. Statements of compatibility are a critical tool for the committee for an adequate dialogue with legislation proponents and parliament more broadly.

For the benefit of those charged with the task of preparing statements of compatibility, I would emphasise the importance of clearly setting out the legitimate objective of the legislation and the manner in which human rights have been considered when framing the legislation. This is crucial when, in order to achieve a particular objective, certain rights are to be limited.
The committee expects that where rights are limited the statement of compatibility will demonstrate that the limitation is rationally connected to, which is to say will be effective to achieve, its stated objective, and explain whether the limitation is proportionate to that objective. The statement should also set out any safeguards that will be applied to ensure that any limitations on human rights are implemented in the least restrictive form. In this respect, I note that a further aim of the requirement for a statement of compatibility is to ensure that human rights are considered throughout the entire policy development and implementation process.

In this new parliament, the committee will continue to build on its previous work by systematically reporting to parliament on the human rights compatibility of legislation. Clearly, parliamentary committees such as this one have an important role to play in informing parliamentarians about the human rights implications of legislation and ensuring better understanding of human rights more broadly.

I encourage my fellow Senators and others to examine the committee’s reports to better inform their understanding of the committee’s deliberations.

This report considers bills introduced into the Parliament from 30 August to 15 September 2016 and legislative instruments received from 15 April 2016 to 18 August 2016. The report also includes the committee’s consideration of two responses to matters raised in previous reports.

With these comments, I commend the committee’s Report 7 of 2016 to the Senate.

DOCUMENTS

Order for the Production of Documents

Documents were tabled pursuant to the order of the Senate of 10 October 2016 for the production of documents relating to the WTO government procurement agreement and the government’s response to the report of the Rural and Regional Affairs and Transport References Committee, and to the order of the Senate of 11 October 2016 for the production of documents relating to the 2016 census.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Back) (18:34): Order! The President has received letters requesting changes in the membership of committees and a letter from Senator Ludlam resigning his place on the Standing Committee of Privileges with effect from 9.30 am Thursday, 13 October 2016. There are two nominations for one position on the Standing Committee of Privileges, and in accordance with standing orders a ballot will need to be held to determine which one of the two senators who have nominated is to be appointed. I understand that it is the wish of the Senate that the ballot be held on Thursday, 13 October 2016 immediately before consideration of private senators’ bills is called on.

Senator McGrath (Queensland—Assistant Minister to the Prime Minister) (18:35): by leave—I move:

That senators be discharged from and appointed to committees as follows:

National Broadband Network—Joint Standing Committee—

Appointed—Participating member: Senator Williams

Privileges—Standing Committee—

Discharged—Senator Ludlam, with effect from 9.30 am on Thursday, 13 October 2016.

Question agreed to.
Pursuant to order and at the request of the chairs of respective legislation committees, I present reports on the examination of annual reports tabled by 30 April 2016.

Ordered that the reports be printed.

Legal and Constitutional Affairs Legislation Committee

Report

Senator IAN MACDONALD (Queensland) (18:35): by leave—I move:

That the Senate take note of the report of the Legal and Constitutional Affairs Legislation Committee.

The report of the Legal and Constitutional Affairs Legislation Committee is tabled. I again thank the very hardworking—albeit new since the new parliament—staff of the committee secretariat for their work in producing this report, subject of course to oversight by the committee. I thank them for their efforts to date. I also thank the harmony of the committee—albeit, again, that it has only been in place for a couple of meetings. But it is good to see this relatively new committee working well together in the responsibilities the committee has.

These annual reports place a great deal of information about government departments and agencies on the public record. They are an important element in the accountability of these departments to the parliament and, through parliament, to the people of Australia. What committees looking at these annual reports of the various government departments and agencies are required to do is to report to the Senate whether the reports are 'apparently satisfactory'. In making this assessment the committee considers such aspects as compliance with relevant reporting guidelines.

The committee found all the reports submitted to be in 'apparently satisfactory condition', describing the functions, activities, performance and financial positions of the department and agencies, and I congratulate the Attorney-General's Department, the minister himself and all of the agencies in that portfolio for their work in producing annual reports that comply with the requirements and give information to the parliament and to the people of Australia on what those particular agencies are doing.

Whilst our committee considered all reports presented during the period, on this occasion it was decided to examine in detail the reports of the Australian Law Reform Commission and the Australian Institute of Criminology, because these agencies had not been covered by the committee in recent years. It has been the committee's practice over the years to pick one, two or three agencies—to look more closely at their reports and to report on them in detail.

Those two agencies—the Australian Law Reform Commission and the Australian Institute of Criminology—were considered by the committee, and the committee found that both reports were apparently satisfactory. I congratulate both agencies on getting their reports in, providing information to the parliament and doing it in the right way.

The committee also decided to look into another agency, the Australian Human Rights Commission and its report. The committee did this and found that the information provided in the annual report gives a good overview of the commission's role, functions and work throughout the reporting period. However, the committee wishes to express its
disappointment—and I am quoting from our report here, 'at the commission's continued disregard for some of the reporting obligations in orders and for the advice of the committee. In particular, the committee is concerned about the repeated omissions of a mandatory compliance index as prescribed in the orders and available in the annual requirements for annual reports issued by the Department of Prime Minister and Cabinet.'

Interestingly, these concerns have been raised in the committee's previous reports on annual reports, in August 2011, at the time of the previous Labor government, and in March 2014. The committee reiterates the mandatory nature of the compliance index and urges the commission that it be included in future reports. The committee also noted that in previous years performance information was not always evaluated against deliverables and KPIs as presented in the portfolio budget statements.

The committee considers the 2014-15 report of the Australian Human Rights Commission to be apparently satisfactory, but expresses an ongoing concern about the absence of some reporting requirements and the disregard of the committee's previous advice. The committee strongly recommends that the commission take the opportunity to review the structure and contents of its annual report in the light of new guidelines for annual reports for corporate Commonwealth entities from the 2015-16 year onwards, with particular focus on compliance with mandatory reporting requirements and improved performance reporting against deliverables.

One would expect that all government agencies would comply with the mandatory compliance index, which has been drawn to this commission's attention on two previous occasions—one, I think, when I may have been chairman, in March 2014, and one in August 2011, when I certainly was not the chairman. It distresses me that there are some agencies that seem to think they do not have to comply with the rules. I am disappointed that this is so with the Human Rights Commission, which is often very quick to give advice on the conduct and operations of Australian citizens and others, and yet this commission itself does not seem to think it is bound by those laws.

Unfortunately, there have been instances with other statutory officers who seem to think the normal rules do not to apply to them. There will be more said about that and particular instances—it has been a matter of some comment in recent days. But these officers should understand that politicians—that parliamentarians and ministers—are elected by the people of Australia and are answerable to them.

Some of these statutory officers seem to think that they hold the final view—the final opinion—on what is right, wrong, good or indifferent. But they should always remember that they are giving, in many cases, advice to people who are elected to discharge roles and who are accountable to the Australian public, whereas some of these statutory officers are not accountable to the Australian public and in some cases do not seem to be accountable to anyone at all.

It is an important principle of our governance that everyone understands their roles. Just because a paid permanent official gives advice, it does not necessarily mean that advice has to be accepted—those are not the rules. The giving of advice to an elected minister or parliamentarian is simply that—giving advice. It is well within the role of parliamentarians and ministers to seek other advice as well, as should be the case, because not all wisdom sits in one person's mind or in one person's view of the world or of a particular issue. For the
whole system to work it is important that everyone understands their role and what part they play in the system of governance—remembering that in the end, in a democracy such as ours, elected politicians are there to make the decisions and they are answerable for their decisions to the Australian public. To the Australian voter that is what the system is all about. I urge all those that this might involve to understand that principle.

The Human Rights Commission is the only agency in this department where the committee has found it necessary to, for the third time, draw attention to the rules and the fact that the rules should be followed—even though in many cases they are only technical rules or rules that are there for a particular purpose. They are not the rules that will bring down the nation, but they should be followed. I would urge the relevant agencies to comply in the future.

Senator CAMERON (New South Wales) (18:46): On the Legal And Constitutional Affairs Legislation Committee report, I am glad I was here to listen to Senator Macdonald's contribution as chair of this report. Senator Macdonald's comments have to be taken in the context of his behaviour when dealing with the Human Rights Commission, especially Ms Gillian Triggs, the Human Rights Commissioner. It is clear, and it is on the public record, that Senator Macdonald has a particular dislike for the commissioner. Senator Macdonald was reported in the press as to be bullying in his approach towards the commissioner. When you talk about rules being followed and when—

Senator Ian Macdonald: That is a lie.

Senator CAMERON: Senator Macdonald, you might say it is a lie. Certainly, it was quite clear in relation to the reports that were out there, and it was quite clear by the vision of that meeting, that you did behave in an extremely aggressive, bullying manner towards the commissioner. It did not do you any credit. It certainly did not do the Senate any credit. I would hope that you consider your position on that in the future—

Senator Ian Macdonald interjecting—

Senator CAMERON: I am entitled to have a point of view on it, Senator Macdonald.

Senator Ian Macdonald interjecting—

Senator CAMERON: You can interject as much as you like. Through the chair, when we talk about rules being followed, when Senator Macdonald has to get in there and nitpick against the Human Rights Commissioner, when Senator Macdonald still has to get his bias and dislike for the whole Human Rights Commission on the public record—as he has done tonight—and when he simply looks to nitpick in the report, then I find it a bit hard to take.

I agree with Senator Macdonald that if there are rules there then they should be complied with. I do not disagree with Senator Macdonald on that point. If the Human Rights Commission is not following the rules to the letter of the law about what their obligations are, then they should. I hope that the next time the fair work building commission are criticised for not following the rules, for not providing enough support to the public servants that are in that commission, when they are identified in the context of the ombudsman's report for not following the rules that apply to them, then maybe we will see Senator Macdonald stand and deal with that issue on the same principle that he has outlined here.

He has said: 'Here is a principle. There are rules and regulations to be followed, and the Human Rights Commission should follow them'—I agree. That is the principle that Senator Macdonald has outlined. I will have a bet that Senator Macdonald will not go and have a look
at the ombudsman's report into the fair work building commission and then do a speech in the same terms that he has outlined here, because it is one rule for the Human Rights Commissioner and another rule for the fair work building commission. I think that is hypocrisy. It is outrageous that you can come here and get a sermon from Senator Macdonald about following the rules and following the law when he turns a complete blind eye to the breaches of rules, to the breaches of law and to the contempt for parliamentary process by Mr Nigel Hadgkiss from the fair work building commission.

I hope that there will be some balance and a lack of hypocrisy. I hope I am wrong about Senator Macdonald and this approach, but I doubt I will be, because there have been many examples of the fair work building commission and the commissioner, Mr Nigel Hadgkiss, not playing by the rules and not following what is laid out in the act. In fact, there are examples of ignoring a whole range of responsibilities that the fair work building commission has under the act so that it can—

The ACTING DEPUTY PRESIDENT (Senator Back): A point of order, Senator Macdonald?

Senator Ian Macdonald: Mr Acting Deputy President, I hate to interrupt Senator Cameron, and I know we do allow a bit of—

The ACTING DEPUTY PRESIDENT: Flexibility, yes.

Senator Ian Macdonald: wide-ranging debate, but this is about the Legal and Constitutional Affairs Legislation Committee's report on annual reports. It has nothing to do with Mr Hadgkiss or the Fair Work commission.

The ACTING DEPUTY PRESIDENT: So your point of order is on relevance?

Senator Ian Macdonald: Yes.

The ACTING DEPUTY PRESIDENT: Thank you. Senator Cameron, would you resume and perhaps make sure you confine your discussion to the topic before the chair.

Senator CAMERON: Thank you, Chair, and thank you for that help and direction. I would argue that what I am talking about here is a principle that Senator Macdonald has applied to the Legal and Constitutional Affairs Legislation Committee report. I am entitled, I think, to point out that I support Senator Macdonald on that principle. I wholly support Senator Macdonald on that principle. I am simply saying that Senator Macdonald has not applied that principle to other areas where public servants and independent organisations under government auspices have not followed that principle. I think I am entirely on point. I accept the position that you have adopted in relation to the report, I must say, apart from the nitpicking approach. I agree, even though it is nitpicking, that the commission should ensure that it complies with its obligations.

All I am saying is that the next time we get an Ombudsman's report into the Fair Work building commission on its lack of adherence to the rules and regulations that apply to the Fair Work building commission, maybe, just maybe, Senator Macdonald will be on his feet about the Fair Work building commission and Mr Nigel Hadgkiss—probably the most incompetent public servant I have come across in my experience in almost a decade in this place—and point out how incompetent that commissioner is in relation to his adherence to the principles that Senator Macdonald is espousing should apply to the commissioner of the Human Rights Commission.
I must say that I would probably have differences with Commissioner Triggs from time to time on some of the issues, but I think generally she is seen to be an extremely competent, an extremely diligent and an extremely effective commissioner for the Human Rights Commission. There are those from the extreme Right in the Liberal-National party who, every time they see the commissioner, see that their weird and misconstrued views about how the commission should work are epitomised in the commissioner, so they take every chance to have a go at her. It was clear that Senator Macdonald's publicly displayed behaviour—on the record—in relation to Commissioner Triggs did no service to the committee process in this parliament, did no service to the Senate and did no service to Senator Macdonald himself. It was full of bullying. It was full of standover tactics. It was an absolute disgrace.

Senator Macdonald continues to look for every opportunity to have a go at the Human Rights Commission and Commissioner Triggs, and this is just one of them. It shows how petty Senator Macdonald is getting. The longer Senator Macdonald is here the more petty he becomes, the more narrow he is in his views and the more reviled he is by even his own side on some of the issues that he raises. But that is Senator Macdonald. I have absolutely no argument about Senator Macdonald's work ethic, no argument about that at all. I just wish his work ethic was used for the good of the parliament and the good of the community, and that he stopped the nitpicking and he stopped the bullying. That would be good for the Senate.

The ACTING DEPUTY PRESIDENT: The question is that the motion be agreed to. Those of that opinion say aye, to the contrary no. I believe the ayes have it. The ayes have it. Senator Macdonald.

Senator Ian Macdonald: Under standing order 191, which says in part: 'A senator who has spoken to a question may again be heard, to explain some material part of the senator's speech which has been misquoted or misunderstood', I seek to just inform the Senate that Senator Cameron's representation—

The ACTING DEPUTY PRESIDENT: Senator Macdonald, you must seek leave. I will inquire of the chamber whether or not you have leave. It is a point of explanation only?

Senator Ian Macdonald: Not 190.

The ACTING DEPUTY PRESIDENT: You are seeking leave for an explanation statement only? I haven't yet called the motion. Senator Macdonald has sought leave to speak for one minute.

Senator Cameron: Leave is not granted.

The ACTING DEPUTY PRESIDENT: Leave is not granted, Senator Macdonald, thank you. A point of order, Senator Macdonald?

Senator Ian Macdonald: With due respect, under 'Personal explanations', standing order 190, by leave of the Senate a senator may explain something. I am talking about standing order 191, which says:

A senator who has spoken to a question may again be heard, to explain some material part of the senator's speech which has been misquoted or misunderstood—

And leave is not required.

The ACTING DEPUTY PRESIDENT: Only that the debate has finished, Senator Macdonald, and on that basis I cannot call you to speak on standing order 191, so I do ask you
to resume your seat. It is on the basis that the question has been put. So I will now put that question. Those in favour say aye, to the contrary no.

Resume your seat, Senator Macdonald. Senator Cameron, on a point of order?

**Senator Cameron:** Yes; it is quite clear: the point of order is that the debate had finished. That means that the debate cannot go on, and everything that Senator Macdonald has argued is nullified, in terms of the debate.

**The ACTING DEPUTY PRESIDENT:** Thank you, Senator Cameron, but it is the case that when Senator Macdonald rose to his feet I had actually not yet at that point in time put the question. Senator Macdonald, I am going to allow you one minute, under standing order 191, to give your point of explanation.

**Senator Cameron interjecting**—

**The ACTING DEPUTY PRESIDENT:** Senator Cameron, that is my adjudication.

**Senator Cameron:** Acting Deputy President, that might be your adjudication—

**The ACTING DEPUTY PRESIDENT:** It is.

**Senator Cameron:** but I would certainly ask that this part of the Hansard is reviewed, because it is quite clear that this debate had been finalised. So I would ask you to have a review and have a look at this decision.

**The ACTING DEPUTY PRESIDENT:** I will request that the President does that, but I come back to the point that, at the time that Senator Macdonald rose, I had not put the question. Therefore, under standing order 191, I am allowing you one minute for your explanation, Senator Macdonald, after which time I will put the question.

**Senator IAN MACDONALD** (Queensland) (19:00): Senator Cameron misunderstood my speech if he thought I was bullying the President of the Human Rights Commission, or otherwise attacking her, or saying I disliked her or hated her, as Senator Cameron understood from my speech. I cannot understand how he got that impression from my speech, and I urge him to read my speech, where I did not even mention the President of the Human Rights Commission, or Ms Gillian Triggs. Senator Cameron mentioned her; I certainly did not. I was talking about the Human Rights Commission, a commission which I might say included a former commissioner who is now a member of my party in this parliament. So I was talking about the commission, not individuals, and Senator Cameron, as always, simply misunderstood or did not understand or simply, as always, does not know. *(Time expired)*

**The ACTING DEPUTY PRESIDENT:** Thank you, Senator Macdonald, your time has expired. I now put the question. All those in favour say aye, to the contrary no. I believe the ayes have it.

**BILLS**

**National Cancer Screening Register Bill 2016**

**National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016**

**Second Reading**

Consideration resumed of the motion:

That these bills be now read a second time.
to which the following amendment was moved:

At the end of the motion, add “but the Senate condemns the Government for outsourcing Australians' most sensitive health information to Telstra before the Parliament even saw the necessary legislation”.

**Senator Ian Macdonald:** Mr Acting Deputy President, I would like to speak in this debate.

**The ACTING DEPUTY PRESIDENT (Senator Back):** Senator Macdonald, you are not on the list to speak, but you obviously have the opportunity.

**Senator IAN MACDONALD** (Queensland) (19:02): Thank you, Mr Acting Deputy President. This bill, the National Cancer Screening Register Bill 2016 and the related bill, is another important bill which the government brings to this chamber.

**Senator Rhiannon:** That's how important it is—they didn't turn up!

**The ACTING DEPUTY PRESIDENT:** A point of order Senator Rhiannon; it is actually your speaker who should be speaking but is not in the chamber. Senator Macdonald.

**Senator IAN MACDONALD:** Mr Acting Deputy President, you make the point that I was just about to make: Senator Rhiannon, according to the list, it is a Greens senator who is supposed to be speaking. But I think this demonstrates to those who might be listening to this debate that on an important issue like the National Cancer Screening Register Bill, the Greens' scheduled speaker just does not turn up—

**Senator Moore:** On a point of order, Mr Acting Deputy President, I think that comment from Senator Macdonald is reflecting on the Greens' speaker. I would think that his statement drawing attention to the Greens speaker was inappropriate.

**The ACTING DEPUTY PRESIDENT:** Thank you, Senator Moore. I will invite Senator Macdonald to withdraw that inference.

**Senator IAN MACDONALD:** Yes, I will, Mr Acting Deputy President—but I might say, for Senator Moore's benefit, that it was the Greens senator that raised the issue and accused a government senator of not being here—unfortunately, Senator Moore did not choose to take a point of order on the Greens senator's interjection. But I see that the Greens speaker is now here, and I will accordingly conclude my contribution to this important piece of legislation. It is an important piece of legislation and I urge the Senate to support it.

**Senator DI NATALE** (Victoria—Leader of the Australian Greens) (19:04): I rise today to speak to the National Cancer Screening Register Bill 2016 and the National Cancer Screening Register (Consequential and Transitional Provisions) Bill 2016. Let me start by saying the Australian Greens are very strong supporters of a national cancer screening register; we are very strong supporters of that. Screening is an important public health tool. It saves lives. When it is done properly, we are able to pick up disease early, we are able to treat it, and we are able to prevent people from developing serious complications and, indeed, from losing their lives. So it is a very important public health tool.

We certainly understand the importance of this reform, bringing together the eight state and territory registers for cervical and bowel cancer screening into one national register, and improving Australia's cancer screening programs, providing a national approach, giving patients and their doctors the opportunity to access cervical and bowel cancer information wherever they are in the country. We absolutely support the register, in line with our support
for other improvements to our cancer screening programs for cervical and bowel cancer, to introduce the five-yearly human papillomavirus test and to accelerate the introduction of two-yearly screening for all Australians aged 50 to 74. They are good reforms. They are important reforms. They are positive reforms which bolster Australia's response to these life-threatening cancers. So that is a good thing.

What concerns us with this legislation is the fact that the government saw fit, before the legislation was passed or scrutinised by this parliament, to sign a contract with Telstra Health for its delivery. It is of huge concern to us—a $220 million contract which delivers Telstra sensitive data about the health of Australian women and men. They did this before the legislation was able to be scrutinised by the parliament. So we have grave concerns that this contract was signed prior to any scrutiny. It turned out during a recent community affairs inquiry that such scrutiny was necessary to show up major holes in the data protections within this legislation.

Let me also say that we have concerns about the decision by this government to outsource Australia's highly sensitive data—let's be really clear about this: this is very sensitive data about the health of Australian men and women—to a for-profit telecommunications company. A bit of background is important here. To date, state governments and specific not-for-profits that have this particular purpose have been the only entities to deliver and manage these registers. These have always been the domain of governments and for-purpose not-for-profits. We are moving into uncharted territory here. The current system exists because these organisations have the skills and expertise to do so and because they do not have potential conflicts of interests in holding that data. So we are seeing a big shift here, and we need to pause and reflect on whether in fact this is a shift that we want to make. What sometimes happens in this space is that we see incremental changes, so we could soon see other important health information being managed by for-profit companies. We will look back at the passage of this legislation and ask, 'Did we make the right decision about handing over that sensitive information and outsourcing it from government?' It is a big question, and one that needs to be asked. I will speak to that in a moment when we discuss some of the amendments that have been put forward.

What does the bill do? It establishes a national cancer register for cervical and bowel cancer data. It authorises the collection, the use and the disclosure of information for the purposes of the register and for other purposes such as providing health care. It changes the current system in which there are eight separate state and territory cervical screening registers and a paper based bowel screening register. It establishes a register involving large-scale data migration and merging to create a national database of records for cancer screening information. The existing registries, which will be migrated into the national register and managed by Telstra Health, contain personally identifying information—names, addresses and the results of pap smears, for example, which can allow specific inferences to be made about a person's sexual status. Let's remember that the human papillomavirus is a sexually transmitted virus. We need to recognise here that what we are handing over is information—the names and addresses of individuals and the results of pap smears. People will draw all sorts of inferences about the data that has been provided. So it is absolutely critical that this data be protected and be used for the most limited purposes possible to deliver the national register.
Again, I reiterate our support for a national register. We think it is good idea to consolidate this data and to give people the opportunity to use it in a way that is going to be more beneficial to population health, but we do have concerns about the government's approach to this legislation. What is remarkable is that, initially, the government suggested that we do not undertake what is a core function when it comes to most pieces of legislation, and that is conduct an inquiry so that we can look for some of the potential complications associated with the legislation. This is one of the core functions of the Senate. We have a duty, indeed, an obligation on behalf of the Australian people to examine legislation in detail through our committee process—one of the most important parts of what we do here in the Senate. Only a few weeks ago, indeed, in the last sitting week, we saw the passage of the omnibus bill, which is a piece of legislation so broad in its scope that it included cuts to renewable energy, cuts to family support, cuts to student assistance and a proposed cut to Medicare funded dental care. It is a piece of legislation so broad in its scope that it cuts across many portfolios, yet we had a proposal that that legislation would not be put to a Senate committee. This is a worrying trend. The role of the Senate is to provide scrutiny to legislation, to examine it for consequences both intended and unintended. This is particularly important when we are talking about legislation that delivers Australians' sensitive data to a for-profit company.

So, despite some opposition from government, we moved a motion, together with the Labor Party, to ensure that there was an inquiry held into this bill. We had that inquiry, and we found that there were some substantial flaws within the legislation. The government's own Information Commissioner highlighted a string of recommendations to bring the data protections in the bill up to scratch. There were gaping holes within this legislation. Thanks to the valuable evidence provided by the Information Commissioner, we were able to see some very sensible recommendations emerge from the report into this legislation. We are pleased—we are very pleased—that the government have in the main heeded the advice of the Information Commissioner and are now moving a raft of amendments to their own legislation.

These amendments will tighten up the restrictions on the use of the data, make it explicit that a breach of the data interferes with the Privacy Act and restrict the data available to the register operator. These are really important changes—changes that should have been developed much earlier in the course of this legislation. While it is a good outcome, it does raise questions about why the government fought so hard to avoid the inquiry, which, in the end, has led to improvements and further protections in this legislation. It seems that the government are not only outsourcing the contract to Telstra but also outsourcing some of the responsibilities of drafting legislation and protecting important and private information to the Senate.

The Information Commissioner made it clear at the inquiry that the data protections in the legislation should reflect the protections that are included in the My Health Record legislation. They said that we need to see the protections in this bill reflect the protections that are included in the My Health Record. So, while the government's amendments do reflect that this advice was provided by the Information Commissioner—and they have sought to align a number of requirements in the legislation to the My Health Record legislation—they do not go far enough in terms of some aspects of the My Health Record legislation. For example, increasing the penalties for breaches of data, and requiring the people who are affected by a breach to be notified. They are two things that make up part of the My Heath Record legislation that were
not included in this bill. We are pleased that there are amendments to this effect coming before the parliament, and that is why we will be supporting those opposition amendments to improve those protections.

Being frank, if it was my data, or the data that belongs to one of my family members, and there was a breach—no matter how insignificant—I would like to know. That is also another important incentive for the people who are managing this data to ensure that breaches do not occur. It is another protection within the legislation that provides further incentives to avoid data breaches. If there is a significant data breach, no matter how broad, no matter how many people are affected, those people will need to know. And they have a right to know. They absolutely have a right to know the data they have given has been compromised.

On the second aspect, which is that aspect of penalties to try and ensure that the legislation reflects My Health Record, we do take the comments of Professor Stephen Duckett from the Grattan Institute very seriously when he says that the penalties in this legislation for a company like Telstra are laughably insufficient. The government amendments do not do enough to fix the problem, and the opposition amendments, which lift the penalties, are something we will support.

Let me also take the opportunity to talk about the government's process, which I think has seen what is unprecedented in the area of health care—that is, handing over sensitive information to a for-profit company before the legislation has even been passed; to say to Telstra: 'We want you to manage this sensitive information. We need legislation to do it, but we're going to sign a contract with you anyway, because we think we'll get it through.' The government's arrogance is remarkable in assuming that this would simply be waved through the parliament and to sign on to those contracts with Telstra. It was a $220 million contract. Just remember that we are not talking small beer here; we are talking about a $220 million contract over five years, with the possibility to extend, without first getting legislation through the parliament and without having the opportunity to scrutinise that legislation. As I said earlier, we have now discovered that there are a number of flaws with the legislation as it was drafted.

There is a fundamental philosophical point here—that is, should sensitive information belonging to individuals be maintained by a for-profit telecommunications company when what we have seen up until this point is an understanding that the appropriate place for that is within government and for-purpose, not-for-profit organisations. The Australian Greens think this is the core business of government and it should be delivered in-house. We think it should be the responsibility of government or for-purpose NGOs who are established precisely for the reason of delivering and maintaining these registers. We do not like the idea of this information being held within a for-profit company. It does set a precedent that at the very least the government should have waited until the legislation had been passed. The Australian Greens want to see good legislation passed that sets up a strong record. For that reason, we will support the opposition's amendments to increase those penalties and we look forward to the implementation of a robust national screening register that will ensure that we improve the health care of all Australians.

Debate interrupted.
ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Back) (19:19): Order! I propose the question:

That the Senate do now adjourn.

Gone Fishing Day

Senator RUSTON (South Australia—Assistant Minister for Agriculture and Water Resources) (19:19): It gives me a huge amount of pleasure to stand tonight to inform the Senate about a very exciting event that is going to be happening in Australia on Sunday. It is national Gone Fishing Day. Many may not realise that we have in excess of five million recreational fishers in Australia. In fact, it is Australia’s most popular outdoor activity. It is not just something that many Australians enjoy partaking and participating in, but it is also worth billions and billions of dollars to our economy. As you would probably be well aware, Mr Acting Deputy President Back, much of that money is spent in our regional communities around Australia’s vast coastline.

The great thing about fishing is that it does not take very much to get involved: you can drop a line over the side of your tinnie; you can head down to the local jetty; you can chuck on your runners and go for a walk out on the rocks at low tide to see if you can find a crab; or, as in my case, you can just chuck a piece of chewie on the end of a string and try and con a yabby into biting on it. All of these things are fishing. They cost very little, but they are an intrinsic part of the Australian way of life. Australia’s national Gone Fishing Day serves to remind us all about how much fun it is to get outdoors.

On Sunday this event will be nationwide. Every part of Australia can participate in Gone Fishing Day. I am advised that there are in excess of 100 events that have already been registered to be a part of Gone Fishing Day. They extend from Sydney to Perth, from Hobart to Darwin and everywhere in between. But you do not have to participate in one of these formal events to be a part of national Gone Fishing Day. What the event seeks to do is encourage you to just grab a line and head off down to your local waterway—whether it be a river, a lake, an ocean or just a creek trickling down the back of your property—because it is really good fun to catch a fish. And it is not just fun; it is healthy. You can do it with your family; you can do it with your friends. It is one of those things that I think all Australians aspire to do, but many of us may have forgotten what it is like to actually go fishing, because it has been so long since we have done it.

The Australian recreational fishing community also wants Sunday to be a reminder to everybody about being responsible fishers. The Australian recreational fishing sector has over recent times taken a real pride in the responsibility that they take in looking after what they believe is a very valuable pastime that they do not want to lose. They believe it is very important to maintain their social licence and, as such, they are intending to formally announce on Sunday—and it gives me great pleasure to be participating in this announcement—that they are going to enter into a voluntary code of conduct for all recreational fishers acknowledging the importance of their environment and what they are doing.

What they are seeking to do is tell Australians that they believe that everybody who goes fishing needs to be respectful. They need to respect the fish. They need to respect fellow
fishers and other people who use the water that the fish live in. They also believe that you need to respect the environment. So, on Sunday, the Australian recreational fishing community intends to endorse a mantra that says you have to be respectful when you go fishing.

I will be chucking a line in on Sunday. I will be chucking a line over the side of a boat in Sydney Harbour with the national ambassador for Gone Fishing Day, Mark Taylor. So he will not be wielding his willow; he will be wielding a rod. My NSW colleague the NSW Minister for Fisheries, Niall Blair will also be there. I do not have a great track record of being a great fisher. In fact, I have often been accused of being probably the worst fisher in the world. So I am very hopeful that on Sunday I am going to break my drought and catch a fish.

The federal government is really proud and pleased to be in partnership with Australia's recreational fishing sector in this particular event, because we believe it is a very important event to represent and to showcase to Australia the benefits and values of getting outside, being healthy, having fun and doing something active on a Sunday.

We must commend the Australian Recreational Fishing Foundation and their partners for putting on this event. I would encourage anybody in this chamber who has not got anything planned on Sunday to maybe go for a scrabble in the back shed, see if you can find yourself a line, go down the river with some friends or some family, go down to the sea, chuck a line off a jetty. On Sunday, think about the importance that the recreational fishing sector has and plays in the Australian economy and the Australian lifestyle—and just having fun in Australia. I urge everybody to participate in this great event for all Australians.


Australian National Audit Office

Senator GALLACHER (South Australia) (19:24): At the outset I want to place on the record once again my appreciation of the extraordinary good work done by the Australian National Audit Office. It is an invaluable resource and it allows all senators the tools to scrutinise the appropriations and expenditure that pass through the Senate.

I want to talk about the Australian National Audit Office report Defence's management of credit and other transaction cards. At the outset the statement in the Australian National Audit Office says:

Defence does not have a complete and effective set of controls to manage the use of credit and other transaction cards. An active management process and use of IT-based analytical techniques would help Defence to develop its control framework and provide better assurance over the use of these cards to purchase goods and services.

That is quite a telling statement, but what does it mean? What does the person who pays his taxes out there in worker-land understand from a statement like that?

What it means is that Defence does not have appropriate systems in place to protect the 57,718 Defence personnel and the 18,787 Public Servants it employs in the event of an allegation of fraud or misuse of a travel card or a purchase card. Proper governance and the appropriate spending of taxpayers' funds is clearly deficient, according to the ANAO report. In fact, it appears as if management has completely abrogated its responsibility to diligently
control expenditure to the value of $548,474,723 of taxpayers' money in 2014-15. That is the value of the transactions which have gone through the various types of cards on issue. It says:

Credit cards offer an efficient means to pay for goods and services purchased for official purposes, and their reporting arrangements provide a basis for managing risks of misuse and fraud.

In 2015 Defence had over 100,000 credit and other transaction cards on issue: the Defence Travel Card, the Defence Purchasing Card, Cabcharge ‘eTickets’ and Cabcharge cards. Defence also use fuel cards for their 'white' and 'green' fleets. The sums that have been expended cumulatively are more than half a billion dollars. We realise that that is quite a significant amount of money in anyone's language in a very large department in a very large budget.

But this report looks at the controls. What are the controls? One of the things it says is that credit cards are for 'low-value low-risk purchases'. Most punters out there would understand low-value low-risk. But, when we have a look at the approved limits, they range from $500 to $2 million dollars—one card; three cards with a million dollar credit limit; a further 107 cards with $250,000 or more; and over 900 cards with a limit of $100,000. I do not know where low-value low-risk transactions come into a credit card with a $2 million or a $100,000 limit, or certainly a $250,000 limit.

These questions are not answered by the audit report; they are simply identified. I would like to see or meet the person that has the $2 million credit card in Defence. I would like to see their monthly statement. I would like to see how they spend two million bucks in credit on low-value low-risk transactions. Anyway, let's not get too detailed about that. Those questions will be answered. We have got estimates coming up. Estimates is on its way, and I am sure we will get some answers. I am sure we will meet the people with these $2 million and $1 million credit cards. I would even like to meet a hundred of the $100,000 credit card holders.

These are the audit report's selected quotes:

Defence has identified a range of controls for the use of its Travel and Purchasing cards, but implementation of these controls has been variable. This limits the assurance that Defence, at an enterprise-level, can take from its control framework. In particular:

- key preventative controls have either been inconsistently applied or have not been implemented at all; and
- key detective controls, such as reviews of transactions, have been implemented in a manner that limits their effectiveness.

The suite of preventative controls used by Defence to control spending on credit cards is not complete and has limited effectiveness: it has not used blocking in any substantial way; access to cash advances for purchasing was not properly authorised until after this audit commenced; a 2009 plan to lower default limits on available credit was not implemented until January 2016; and Defence has issued thousands of credit cards that have never been used.

They have simply never been used.

I am going to run out of time so I am going to skip a little bit ahead and go right to some of the more interesting aspects of cash withdrawals:

... multiple withdrawals of substantial amounts of cash, with a transaction description indicating that the cash was to be used to pay merchants for goods and services. In one case, audit analysis identified
three cash withdrawals of $99,999 by the same Defence official on the same day, on the face of it, to pay the same supplier. These were part of a succession of cash withdrawals over a period of ten days from the Defence Purchasing Card by the same official totalling over $879,000. In October 2015, Defence informed the ANAO that it was examining the cardholder’s purchasing activities and that the CFO Group will be developing clear policy—

A clear policy after 300 grand was taken out in cash advances! The cost of this person's transactions because they were deemed to be cash advances was a further $18,278 to Defence. This audit report is verging on unbelievable! It is a complete nightmare in terms of an ordinary soldier going about their business and having a proper acquittal process. There is so much in this audit report that it is going to take months to get to the bottom of it. What I will be doing in the short time I have tonight is highlighting a couple of these issues. This particular person withdrew $1.147 million to pay suppliers. The report states:

Defence subsequently informed the ANAO that these transactions were, in fact, electronic funds transfers rather than physical cash withdrawals—

I was going to ask whether he took a wheelbarrow to the bank to get the cash!

Nevertheless, transactions were identified and treated as cash withdrawals.

Some $50 million has been withdrawn in cash in one year at a cost of over $800,000 to the Department of Defence because they are cash advances. They may all be cogent and they may all be kosher, but the audit report does not tell us that. When I asked in estimates, 'How does a credit card transaction get approved?' I was told a supervisor does the approval. Well, that is a little bit clever because an ordinary person would think a supervisor was someone who is superior to the person who made the transaction. In Defence, a supervisor is someone who is parked over there to supervise credit card transactions and who may do between 100 and 300 transaction verifications in a day with little or no documentation to support them. An enormous number of these transactions are self-validated. There is no other check and balance than the person saying, 'I incurred this expense.' This is an absolute disgrace. I will be seeking answers in estimates and I will be bringing a reference to this chamber and seeking the unanimous support of every senator in this place to fully examine what has gone on in the expenditure of over half a billion dollars in one year. The audit office is saying very, very clearly that it is substandard, it is deficient and it is worthy of a complete reference to the Foreign Affairs, Defence and Trade References Committee. (Time expired)

Zuaiter, Mr Wael

Senator RHIANNON (New South Wales) (19:34): Peter Manning, one of Australia’s most distinguished journalists, has written a stunning book, *Janet Venn-Brown: A Life in Art*. The centrepiece is a moving love story, but this is a love story shattered by Mossad, the Israeli secret police.

Janet, a dedicated Australian artist, from the early 1960s was living in Rome. She met a young Palestinian who had a passion for music, language, and life. After an eight-year love affair, Janet and Wael planned to marry. Wael intended to travel to Australia to meet with Janet’s family. On an otherwise uneventful night in October 1972, their plans met a violent end. Regarded as a soft target for walking around unarmed and in the open, Wael was shot 12 times on the doorstep to his home by a team of Mossad agents. Wael’s death was the first in a string of murders carried out by Mossad agents in revenge for the killing of 11 Israeli athletes in Munich. It was years before it came to light that there was no evidence that Wael was
either directly or indirectly involved in the Munich attack. The tragic reality in 1972 and now is that an innocent man was gunned down in cold blood.

Wael Zuaiter was born in Nablus in 1934 and experienced first-hand the violence of the ethnic cleansing of his country. He grew up hearing about the massacres of Palestinians. He witnessed the long lines of Palestinian refugees driven from their lands. He attended funerals of loved ones. In his early teenage years, he began his life as a Palestinian in exile. But for all this, Wael was committed to non-violent struggle.

Wael is remembered as a passionate and gentle man, as an artist and intellectual. In the years prior to his murder, he was connecting with many of Italy's and Europe's great thinkers of the time, raising awareness of Palestinian identity. He was fast becoming a significant advocate for non-violent campaigning for the Palestinian cause. It was for this reason that his fiancee, Janet, believes he was killed. Speaking to a Rome based reporter, Janet said: He was much more dangerous than a terrorist. For the Israelis, a cultivated Palestinian was much more dangerous.

Forty four years have passed since Wa'el was killed, and nonviolent activism supporting Palestinian rights continues to be suppressed. I congratulate Peter Manning for writing Janet Venn-Brown: A Life in Art. He has documented a little known but most significant chapter in Australian history, which is also illustrated most beautifully with Janet's paintings.

The importance of Wa'el's work is underlined by the numerous United Nations resolutions on Palestine passed since he was murdered. These resolutions require Israel to abide by the tenets of international law. But for Palestinians any feelings of hope for justice and peace are being crushed under the weight of a military occupation, a stifling blockade and mounting violations of international humanitarian law. Israel's expansion of illegal settlements in the occupied territory, including the adoption of rogue settler outposts, continues with little more than token censure from international governments—and nothing from Australia. Responding to the deafening silence from world leaders, international humanists are responding to the crisis with nonviolent methods designed to raise awareness of the struggle for Palestinian human rights—nonviolent methods that follow the spirit of Wa'el's work.

Many Australians play a key role in this growing international movement. In the past few weeks an Australian woman, Madeline Habib, captained the Women's Boat to Gaza, the Zaytouna-Oliva. On 5 October, with 13 women aboard, Zaytouna-Oliva was some 40 nautical miles off the coast of Gaza when it was surrounded by the Israeli Navy. Well within international waters, the boat was intercepted by the Israeli forces and the women were effectively kidnapped and then taken to an Israeli port. The women came from 12 different countries. They included New Zealand Greens MP Marmara Davidson and Nobel Peace Prize laureate Mairead Maguire. The boat carried no aid, no weapons and no products that were deemed contraband by Israel. This small vessel of 13 peaceful women prompted an aggressive response from one of the strongest military powers in the world. The women did not physically resist. There was no exchange of fire and no-one was injured. But still the women were taken against their will to a destination not of their choosing. Their act of nonviolence was met with violence. I congratulate Ms Habib and all on the Women's Boat to Gaza.

Yesterday I joined with other senators and MPs and Palestinian Ambassador Izzat Salah Abdulhadi to welcome John Salisbury when he completed his Walk for Palestine, which he
started in Sydney on 2 October. John did a similar walk in 2015. He was inspired by Dr Marcelo Svirsky, who did the same Walk for Palestine in 2014. John has been collecting signatures on a petition calling on the Australia government to recognise Palestine. Maria Vamvakinou and Anne Aly received the petition from John and will present it shortly in the House of Representatives. John asked us a most relevant question: ‘With over 130 countries formally recognising Palestine, why not Australia?’ John's walk is another fine example of nonviolent action for Palestine.

Such actions are growing across the world. Following in the footsteps of the boycott of apartheid South Africa, the Boycott Divestment and Sanctions movement is now an international nonviolent mass movement for Palestine. This is a movement based on the rules of international law that gives people the ability to act where governments do not. Whilst countries such as Sweden and Ireland have recognised the legitimacy of BDS and defend the advocacy of 'boycotts as free speech', there have been movements in France and recently in New York to repress the BDS movement. In response, Gideon Levy, an Israeli journalist and author, has written:

The struggle against the movement to boycott Israel has sunk to a new low—criminalization. From now on, it's not just a propaganda campaign against BDS ... not the usual victim-like behaviour, not the colonialist fibs about boycotts harming Palestinian labourers. It's not even the demonization, which includes accusing anyone who dares support the boycott of anti-Semitism, the mother of all accusations. No, from now on the boycott is a crime. It's a crime to boycott the criminal.

Victorian Premier Daniel Andrews has commended New York Mayor Andrew Cuomo on his 'leadership' in boycotting the boycotters. *The Australia Jewish News* reported in June this year that Premier Andrews hinted at the potential of a similar political response in Australia. Whilst BDS has received repeated censure from political leaders in Australia and abroad, no condemnation has been made of the legal segregation that exists within Israel. With over 50 laws that directly discriminate against Palestinians because of race and religion, the comparison with South African Apartheid is not far fetched. Yet the attacks against this nonviolent response to violence continue.

I congratulate the Australian Palestine Advocacy Network for their work in challenging the dominant narrative that influences the Australian media and successive governments’ policy by providing accurate information concerning the Palestinian people and their rights—about the continued occupation of Palestinian land, the ongoing illegal expansion of settlements, the incarceration of children by the Israeli military and the crisis of Gaza, which the United Nations has declared will be uninhabitable in less than four years.

After nearly 70 years of misinformation and violence, and after decades of suppression, the need for nonviolent advocacy and activism for Palestine is stronger than ever. Nonviolent protest is a core policy of human rights activism. If nonviolent activism is not supported, the question then is: what option is left?

**Tasmanian Tourism**

**Senator DUNIAM** (Tasmania) (19:44): It is a pleasure to rise to speak briefly on the adjournment debate tonight about what I think is the best part of our country: the state of Tasmania. Last Friday I had the great pleasure of officially opening the Blue Tier Mountain Bike Trails in the beautiful and small community of Weldborough in north-east Tasmania—a part of the state that my good friend and colleague Senator Bushby is a big supporter of and
works very hard for. The trails that I opened were funded in part by a grant from the Australian government through the Regional Development Program. There was great attendance at the launch on Friday. There were about 200 people. I make that point because it was a demonstration of the excitement around this specific project. Weldborough as a community is particularly small. There are only a few dwellings and it is on probably one of the windiest roads that exists in the nation of Australia. It is a very isolated community. So the fact that 200-odd people made it all the way to Weldborough to officiate the launch of this terrific initiative was great.

In attendance were some familiar to people in this place, including former Senator Guy Barnett, who was representing the Tasmanian Premier, donning his lycra, along with Parliamentary Secretary to the Premier, Sarah Courtney, and of course the former member for Lyons and very hardworking individual, Eric Hutchinson, was there to participate in events. It demonstrated the truly bipartisan support for this project. It was also good to see Brian Mitchell, the member for Lyons, and Ross Hart, showing that this project and others like it are supported by people from right across the political spectrum.

It is also important to acknowledge the role that local government in Tasmania had in bringing this project to fruition. I would like to acknowledge Mayor Greg Howard from Dorset Council and Mayor Mick Tucker from Break O'Day Council. Their support, coordination and pushing of these projects brought it to life. Yes, the Australian government provided the money, but it takes the local communities to come up with the ideas and push for them to be put into the final stages.

The Blue Tier project that I launched on Friday is part of a larger set of trails in the north-east known as the Blue Derby trails. In total, there are 77 kilometres of world-class mountain bike trails across that particular region, in areas like Cascade Forest and, of course, the Blue Tier Reserve. This particular attraction is bringing new visitors into the region. It is estimated that between 10,000 and 15,000 domestic and international visitors will be riding on these trails and coming to the small communities—which have not seen much in the way of visitation for a number of years—by the 2017. This project, along with many others, will go some way to complementing the Tasmanian government's target of attracting 1.5 million visitors to our state by 2020. At present, the number of visitors coming to Tasmania on an annual basis is roughly one million. So the Tasmanian government has a great target. They are investing in some excellent marketing strategies and they are supported by the Tourism Industry Council of Tasmania, in Luke Martin, the regional tourism organisations and of course the many tourism business operators across the state. So everyone has a finger in the pie; everyone wants these projects to succeed, and that is very exciting.

A big focus in Tasmania around growing tourism numbers is attracting visitors to the regions. Bigger cities and the population centres do not really need the help that some of our smaller communities need, so projects like the one I was able to launch on Friday do just that: they bring visitors out of our bigger population centres into regional communities that have struggled for various reasons in the past. These communities, including the one I visited on Friday, were once boom areas for industries like mining, farming and, in some cases, manufacturing. We all have to acknowledge that those days are long gone, but these communities are embracing the challenge of reinventing themselves, and seeing projects like
this embraced by the communities so well gives me a great deal of encouragement. That is the spirit of Tasmanian people that I am so proud of.

Anyone who has ever been to Tasmania knows exactly what the state has on offer. With its rugged, wild and diverse landscapes it is perfect for adventure tourism—just like the mountain bike trails I was over there to launch—and local communities benefit financially. They have struggled at other times when they have not had these things going on, so to have these projects bringing visitors in is a great thing. When I was there on Friday I was able to see firsthand just how this new project, when it is finally up and running at full capacity, will benefit the community—and that is with the development of the Weldborough Hotel. The owners, the Winspear family and Mr Mark Ranicar, are investing a great deal of capital into expanding the offerings there, and I am sure it will not be the last investment to occur in that area. I have to tell you that it will be needed.

Mountain biking is a recreational pursuit that seems to have taken the world by storm. I have not quite got there myself; I think the prospect of wearing lycra is what keeps me away. But many other people seem to be getting involved and, as a testament to the popularity of mountain biking internationally, we have the enduro events around the world now. Tasmania has secured the chance to host an enduro event in Australia next April. There will be 400 participants in that event in this small community, and that is why this investment in accommodation and hospitality is going to be very much needed. There will be special arrangements needed for telecommunications so we can broadcast to the world just how wonderful Tasmania is and what we have on offer. I am also told that every campervan in Tasmania has been booked for the event just to make sure that people are not sleeping out under the stars! If things go well we will have the chance to host the event again in two years time.

The Australian government was able to contribute nearly $2.5 million, as stated, through regional development grants to the project, the total cost being $3 million. The trails are of varying levels of difficulty—the easy ones I could probably ride myself—and they complement a number of other recreational pursuits in the area, including the Barnbougle and Lost Farm golf courses. In this day and age we promote healthy lifestyles and people getting out and about, and this sort of pursuit is precisely in that vein.

So, there is a lot to take advantage of in Tasmania. Again, this is a great example of the three levels of government working together for the benefit of our local communities. I encourage all of my colleagues and their friends and families to come on down to Tasmania, have a ride and see what is on offer down there.

Senate adjourned at 19:52

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

Commissioner of Taxation—Public Rulings—
Taxation Determination TD 2016/16.

**Tabling**
The following documents were tabled pursuant to standing order 61(1) (b):
- Administrative Appeals Tribunal—Report for 2015-16, including the report of the Immigration Assessment Authority.
- Australian Safeguards and Non-Proliferation Office—Report for 2015-16.
- Companies Auditors and Liquidators Disciplinary Board (CALDB)—Report for 2015-16.
- Department of Parliamentary Services—Report for 2015-16.
- Department of the Prime Minister and Cabinet—Report for 2015-16, including the reports of the Aboriginals Benefit Account, Aboriginal and Torres Strait Islander Land Account and the Office of the Registrar of Indigenous Corporations.
- Family Court of Australia—Report for 2015-16, including financial statements for the Federal Circuit Court of Australia.
- Inspector-General of Intelligence and Security (IGIS)—Report for 2015-16.

**Tabling**
The following documents were tabled by the Clerk pursuant to order:
- Departmental and agency appointments and vacancies—Budget (Supplementary) estimates 2016-17—Letters of advice pursuant to the order of the Senate of 24 June 2008—
  - Department of Human Services.
  - Education and Training portfolio.
  - Prime Minister and Cabinet portfolio.
  - Treasury portfolio.
- Departmental and agency grants—Letters of advice pursuant to the order of the Senate of 24 June 2008—Budget (Supplementary) estimates 2016-17—
  - Agriculture and Water Resources portfolio. [2]
  - Australian Organ and Tissue Donation and Transplantation Authority.
  - Department of Education and Training.
  - Department of Human Services.
  - Industry, Innovation and Science portfolio.
  - National Blood Authority.
Prime Minister and Cabinet portfolio.
Treasury portfolio.
Estimates hearings—Unanswered questions on notice—Statements pursuant to the order of the Senate of 25 June 2014—
Additional estimates 2015-16—Department of Defence.
Budget estimates 2016-17—
Australian Public Service Commission.
Department of Defence.
Department of Human Services.
Indexed lists of departmental and agency files for the period 1 January to 30 June 2016—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—
Commonwealth Ombudsman.
Department of Human Services.
Department of the Prime Minister and Cabinet.
Infrastructure and Regional Development portfolio.
Inspector-General of Intelligence and Security.