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SITTING DAYS—2014

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

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

Senate Office holders
President—Senator Hon. Stephen Parry
Temporary Chair of Committees—Senator Hon. George Henry Brandis QC
Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

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

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

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<th>State or Territory</th>
<th>Term expires</th>
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<td>Abetz, Hon. Eric</td>
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<td>30.6.2017</td>
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<td>Back, Christopher John</td>
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<td>Bilyk, Catryna Louise</td>
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<td>Brandis, Hon. George Henry, QC</td>
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<td>Brown, Carol Louise</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

- Clerk of the Senate—R Laing
- Clerk of the House of Representatives—D Elder
- Secretary, Department of Parliamentary Services—C Mills
- Parliamentary Budget Officer—P Bowen
<table>
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
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<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Women</em></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
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</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
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<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Assistant Minister for Employment</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td><strong>Attorney-General</strong></td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
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</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
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<tr>
<td><strong>Treasurer</strong></td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td>Acting Assistant Treasurer</td>
<td>The Hon Bruce Billson MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>Senator the Hon Mathias Cormann</td>
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<tr>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
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<td>Senator the Hon Richard Colbeck</td>
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<tr>
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<td>The Hon Bob Baldwin MP</td>
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<tr>
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<td><strong>Minister for Sport</strong></td>
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<tr>
<td><strong>Minister for Defence</strong></td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
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<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
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<tr>
<td><strong>Minister for Finance</strong></td>
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<tr>
<td>Special Minister of State</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.
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Tuesday, 23 September 2014

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 12:30, read prayers and made an acknowledgement of country.

BILLS

National Security Legislation Amendment Bill (No. 1) 2014

Second Reading

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

Senator JACINTA COLLINS (Victoria) (12:31): On Monday, the Leader of the Opposition addressed the House of Representatives on Labor's approach to the national security challenges presently facing Australia. As Bill Shorten said, Labor believes that our security agencies and national institutions should have the powers and resources they need to keep Australians safe from the threat of terrorism. But we also believe in safeguarding fundamental democratic freedoms. We must ensure that, in legislating to protect national security, the parliament does not damage the very qualities and liberties that we are seeking to defend from terrorist threat.

Labor has a strong record on national security. While in office we undertook a range of measures to strengthen national security, including strengthening intelligence relationships with our major allies; proscribing terrorist organisations; ensuring that our security agencies were resourced to prevent terrorist actions on Australian soil before they occurred; and building a new state-of-the-art operations centre for the Australian Security and Intelligence Organisation, ASIO, here in Canberra. In opposition, too, Labor is working constructively with the government on matters of national security.

The National Security Legislation Amendment Bill (No. 1) 2014, now put forward by the coalition, is closely based on proposals put forward by the previous Labor government and which were the subject of a Parliamentary Joint Committee on Intelligence and Security, PJCIS, inquiry and report commissioned by the previous Labor government. In particular, the bill intends to give effect to parts of chapter 4 of the Report of the inquiry into potential reforms of Australia's national security legislation, produced by the joint committee and tabled on 24 June 2013—shortly before the federal election. Some of the committee's recommendations, such as a regime for special intelligence operations, were also supported by Bret Walker SC, the Independent National Security Legislation Monitor. The proposals and inquiry that led to this bill were initiated by the previous Labor government because we recognised that our national security framework needs to keep pace with changing threats and changing technologies and that laws that dated back as far as the 1970s need to be reviewed to ensure that they are appropriate to the current national security environment.

However, the origin of the current bill does not mean that the Labor opposition has given a blank cheque to the government for whatever changes it wishes to make to our national security laws. As Labor has consistently argued, while we support the appropriate extension of the powers of our intelligence agencies to meet Australia's security needs, it is critically
important that these powers be appropriately balanced against the rights and democratic values that our nation holds dear, and that suitable checks and balances are in place to ensure that these powers are always used correctly. In this respect, it is important to note that, in recommending reforms to ensure that our national security agencies have appropriate powers to effectively gather intelligence, the joint committee also sounded a note of caution in its June 2013 report, stating that 'these intrusive powers must always be balanced by appropriate safeguards for the privacy of individuals and the community recognising that Australia is a democratic nation which values personal freedom and places limits on the power of the state.'

In addition to recommending a raft of significant changes to our national security framework, chapter 4 of the joint committee report also includes a recommendation that the government release draft legislation to the Australian public and key national security stakeholders. In accordance with this recommendation, Labor insisted that the bill be referred back to the joint committee for consideration and that the public and key stakeholders be consulted on the changes to our national security laws being proposed by the government. It is clear that this scrutiny has been valuable in allowing considered public debate and in ensuring that the bill is not only effective in furthering national security but also includes appropriate oversight and safeguards. A number of significant concerns about the government's bill were raised through the public consultation process. There has been particular concern about the definition of 'computer' for the purpose of certain warrants, about offence provisions relating to the proposed special intelligence operations regime, and about ensuring that Australia's complete opposition to the use of torture is made very clear.

In response to these and other concerns, the joint committee recommended over a dozen important improvements to the bill. For example, the committee recommended the following changes to the bill proposed by the government. They recommended reporting requirements for ASIO in any instance of use of force against a person, and close oversight by the Inspector-General of Intelligence and Security—recommendations 6, 7 and 8. They recommended the Attorney-General's approval of any special intelligence operation, including variation of a special intelligence operation or its extension beyond six months—recommendation 9. They recommended enhanced oversight of the special intelligence operation scheme by the Inspector-General of Intelligence and Security—recommendation 10. The recommended exemptions under proposed section 35P to allow disclosure of information about a special intelligence operation scheme in particular circumstances—recommendation 11—and improved clarity about potential prosecution—recommendations 12 and 13. The committee has also sought to enhance reporting requirements and obtain greater clarity in provisions relating to ASIO affiliates, secondment arrangements, computer access warrants and disclosure of information to the Inspector-General of Intelligence and Security.

We welcome these recommendations. The suite of improvements and safeguards recommended by the joint committee is ample evidence of the importance and value of the debate and scrutiny that Labor has insisted upon in the development of this bill. It is now up to the government to refine its proposed legislation in light of the joint committee's valuable work. Labor thanks the government for accepting the committee's 17 recommendations to improve scrutiny and oversight of that legislation. As we scrutinise this bill, we will ensure that the amendments to the bill moved by the government—hopefully this afternoon—

Senator Ludlam: We haven't seen them.
Senator JACINTA COLLINS: As I said, Senator: hopefully this afternoon. Indeed, Senator Brandis was in the chamber earlier. I hope he was giving such effect. As we scrutinise this bill, we will ensure that the amendments to the bill, to be moved by the government, fully implement the joint committee's recommendations. We will also ensure that the government honours its commitment to implement those recommendations which do not require legislation. Let me cover those. Firstly, a larger budget for the Office of the Inspector-General of Intelligence and Security, which is recommendation 15; conducting a review of the Attorney-General's guidelines issued under section 8A of the ASIO Act, including examining ASIO's management and destruction of information obtained on persons who are not relevant or are no longer relevant to security matters, which is recommendation 4; and consider issuing ministerial directions to ASIO under section 8 of the ASIO Act requiring ASIO to report to the Attorney-General on instances of non-routine access to third-party computers or premises, which is recommendation 5. Crucially, we insist that the government immediately implement the joint committee recommendation to appoint a new Independent National Security Legislation Monitor.

Labor welcomed Senator Brandis's announcement on 16 July this year that the government had backed down on its plan to abolish the Independent National Security Legislation Monitor. Tony Abbott announced the abolition of the monitor as part of his 'repeal day, wrongly labelling this safeguard of the rights of the Australians as 'red tape'. Mr Abbott also claimed the monitor's review role had ended, instead of recognising the important ongoing role the monitor holds. Labor had fought against the abolition of this important position, and it is clear that the government's bill to abolish his office would almost certainly have failed to pass the Senate. The bipartisan joint committee support for the position of the monitor is vindication of Labor's consistent support for proper oversight mechanisms.

The position of monitor has now been vacant since April, at a time of substantial change to our national security laws and circumstances. Labor calls on the government to appoint an appropriately credentialed and experienced monitor immediately. Our ongoing debate about the reform of national security legislation must be informed and needs to be informed by the expert contribution of a new monitor.

Separately from the joint committee recommendations, Labor also welcomes Senator Brandis's acceptance that the government must amend the bill to clarify that the special intelligence operations scheme will never authorise our security organisations to engage in torture. Australia has a proud history of opposition to torture, as does Labor. The Hawke government signed and ratified the convention against torture in 1985 and 1989. Under the Labor government in May 2009, Australia signed the optional protocol to the convention against torture. We must never allow for any doubt about Australia's steadfast position on this issue. Labor will insist that the government put forward amendments to this bill which make that position beyond doubt. The Australian community, and indeed the international community, should expect nothing less from the parliament and from the government of Australia.

In conclusion, I will return to what Bill Shorten said in the other place on Monday. Keeping our people safe is above politics. The security of our nation runs deeper than any of our differences. Labor takes its responsibility as a loyal opposition very seriously as the parliament deals with legislation relating to our national security. We will assist the
government to appropriately resource and empower our security agencies, but we will not
give the government a blank cheque. As Bill Shorten said on Monday, we must ensure that in
legislating to protect national security the parliament does not damage the very qualities and
liberties that we are seeking to defend from terrorist threat. The improvements which are now
being made to this bill are testament to the importance of Labor's work in this regard. As the
parliament debates this bill, and also future national security bills foreshadowed by the
government, we will continue to insist on proper debate, on proper scrutiny and on making
sure that Australia strikes the proper balance in its national security arrangements.

Senator LUDLAM (Western Australia) (12:44): The National Security Legislation
Amendment Bill (No. 1) 2014 marks the beginning of what we understand will be months of
parliamentary debate on national security legislation—today, an expansion of ASIO's
intrusion and surveillance powers; perhaps next sitting, the question of Australians travelling
to the civil war in Syria and the continuing war of terror in Iraq; then perhaps national
mandatory data retention laws entrenching the infrastructure of passive surveillance over
everyone in the country; and then after that we will see. One thing we know we will not be
voting on in here is the Prime Minister's split-second decision to deploy the ADF back into
war in Iraq, even though that open-ended commitment profoundly shapes the context in which
this debate takes place.

I want to begin, as I suspect everyone in this debate will begin, with unconditional and
unequivocal condemnation of the medieval barbarity of this entity that calls itself Islamic
State. One of the founding principles of the Australian Greens is non-violence, and we
condemn without reservation this organisation that has raised the bar on violence in an
already violent part of the world.

I understand that, because of this government's cynical and unpopular standing in the
Australian community, questions have been raised as to the motives and the timing behind the
government's sudden array of national security measures. But for me these questions are
secondary. No government—coalition, Labor or Greens—wants to suffer an act of terrorism
against the Australian community on its watch. No-one, no matter what their politics, wants to
look back in the aftermath of a violent attack in a familiar place and realise that there were
things we should have done to better protect our community. Until shown otherwise, I want to
assume that it is this imperative that principally motivates the government. What I will
strongly question is whether the government understands just how counter-productive some
of its initiatives are. I understand that some of these initiatives seem to make tactical sense in
the very short term, but before I get into debate on the specifics of the bill, I want to look at
the steps we have taken to get here today.

In the aftermath of the indiscriminate attacks on 9-11, Australia pledged its support to a
global war on terror. At the tip of the spear, we joined military invasions of Afghanistan in
2001 and Iraq in 2003 that sought to obliterate al-Qaeda and the Taliban regime and depose
the dictator Saddam Hussein. Our ground stations at places like Pine Gap have supported
targeted drone assassinations of suspected terrorist figures, and everyone in their immediate
vicinity, in any country in which the US chooses to conduct them. Across the Five Eyes
alliance of intelligence agencies, Australia has supported the development of high-resolution
real-time surveillance of the entire population, militarising the entire internet in the process.
Every few years the powers of police and intelligence agencies are expanded and widened to
fight this war on terror; and every time we surrender some of our hard-fought freedoms, we are told to accept in good faith that these expanded powers are needed to keep us safe. Detention without charge. Sedition laws. Hundreds of billions of dollars have been spent as we fight this war on terror with kill teams, laser guided bombs and drone strikes. Fire has been met with fire. As a result hundreds of thousands of innocent people have been killed in Afghanistan, Iraq, Yemen, Somalia, Pakistan and places far from here. Hundreds of thousands of men, women and children. These are people with names and family histories and stories that most of us will never hear. Every one of these casualties of the war on terror is a human tragedy every bit as real as the tragedy that befell the Sari Club or downtown Manhattan more than a decade ago.

So what do we have to show for our series of tactical decisions to fight violence with violence and to militarise civilian communications channels? The terror networks we tried to smash have morphed and grown and spread to the point where we are now in a more precarious state than before. The death of Osama Bin Laden at the hands of US special forces three years ago appears to have had no discernible impact on the spread or capability of extremist networks. A fundamentalist army built on oil money and stolen American weapons now occupies a huge swathe of Iraq and Syria and has an expanding online audience. As we join yet another military coalition in the Middle East, Australian government representatives themselves now believe the threat is higher than ever before.

So on a day such as today, with the latest legislative upgrades to the war on terror on the table before us, we need to evaluate whether the arc of our response to terrorism in the last decade and a half is in fact making everyone less safe. Rather than speaking of 'national security', which has come to imply militarisation abroad and a stepwise erosion of precious freedoms here at home while the state steadily increases its powers of surveillance and coercion, perhaps it is time to start speaking of 'community safety'. Human security. Community resilience. De-radicalisation. It is why the Australian Greens will not be writing blank cheques to the surveillance state. It does not make us safer.

In times of heightened security civil liberties such as privacy or freedom of speech are more vital than ever. That is why the Greens believe—and I join my comments with those made by Senator Collins—we need a fully funded independent national security monitor. This was a cross-party initiative, introduced at the time of the Rudd government, that was supported and amended by the Australian Greens. I well remember the day that Senator Brandis—and it might have been the last time it happened—supported Australian Greens amendments to make the monitor more independent of the Prime Minister's office. It was one of those occasions—and I argued that it had been long delayed—when the parliament did its job, and at last we would have an office that would assess whether the counter-terrorism legislation and national security legislation that exists on the statute books in this country was necessary, proportionate and actually keeping us safe. In subsequent years the work of that monitor was almost completely ignored by both the government and the opposition of the day. If you take the time to read those reports, you will discover that many of the powers that sit on the statute books are considered dangerous or obsolete. That is why I think we are simply not learning from history.

I strongly condemn the decision of the government, as part of its arbitrary attack on the budget, to knock over the National Security Legislation Monitor—as Senator Collins said, as
part of red tape removal. What on earth were you thinking? I understand that we have an agreement—probably a handshake agreement—that that monitor's office should resume. The office is unoccupied. Nobody is there at the moment. Senator Brandis is a full member—and, I understand, a diligent member—of the Parliamentary Joint Committee on Intelligence and Security. He signed off on a report last year that said this very bill that we are debating today should, firstly, be put into the field as an exposure draft, which it was not; and, secondly, that the National Security Legislation Monitor should be given the opportunity to assess it. But that office is currently vacant and unoccupied.

I am sure that we will hear coalition speakers during this debate—I hope we will—talk of the need to balance privacy and civil rights against the needs of security. I believe it is a false construct and a false balance that is described. However, I presume you will, at least, make a rhetorical flourish in that direction. A very important part of that balance is having an operating National Security Legislation Monitor whose work is listened to and incorporated into the debate.

It is obviously not to deny the important role that our police and security agencies play in disrupting these networks, but I call the Senate's attention to an interview by Glenn Greenwald—who published many of the revelations of Edward Snowden, documents that exposed huge illegalities at the heart of the surveillance state in the United States—where he said, 'If these powers were being used solely in pursuit of terror networks and organised crime networks, we wouldn't be having this conversation. We wouldn't need to be having this conversation.' We will get to a debate on data retention, if the government is so bold as to bring a bill forward, so I will not dwell on it here today. They are applied so indiscriminately; they are utterly indiscriminate. It is the opposite of targeted and proportional.

I also want to point out—I am not sure whether Senator Collins is aware of this or not—that the amendments that the government has allegedly drafted in response to the parliamentary joint committee's report, which was tabled last week, have not yet been circulated to this chamber and that all senators—government, opposition and crossbench—are now debating a bill that we have not read. We have not been given the courtesy of even seeing the government's amendments to this bill. If this bill were trivial, that would be bad manners. But, on a bill as important as this, I say you are treating us with contempt. You are treating your own backbenchers with contempt or anybody who might come in here with a will to do, with due diligence, the job that we were sent here to do, whatever our political affiliations, with contempt by asking us to come in here and debate a bill that we have not read. That is treating us with contempt.

I should put on the record that we rang the Attorney-General's office an hour or so ago to find out whether he was going to do the chamber the courtesy of tabling the amendments at least before the debate began. We were told they had been tabled half an hour or so ago. Obviously, that has not occurred.

There are two main issues that I will raise and speak of in more detail when we get to the committee stage. I have got very strong concerns about the whole regime of special intelligence operations that throw an additional blanket over the operations of an agency that already, by definition and under its act, operates under conditions of great obscurity. I understand why that is the case, but any proposal that comes in here to make even more opaque the operations of these agencies and to do things such as propose almost complete
immunity to breaking the law, which is where I think Senator Leyonhjelm's concerns around terrorism originated, and wide scope for misbehaviour make it impossible for this parliament to know whether or not these powers are being abused. It is already ready very difficult to tell and we tend to find out in the aftermath, as in the case of Dr Haneef, Mr Ulhaque or in any of the other instances where, in retrospect, when you look back you realise that ASIO's powers had in fact been abused—because these were just people—and recognise that they operate, very tightly circumscribed by an act of parliament. Nonetheless, the work of oversight committees or groups like the legislation monitor is essential in a democracy. These powers and these oversights are there for a reason.

I have strong concerns, but the issues upon which I have circulated amendments effectively fall into two areas. Firstly—and this was something that the joint committee picked up and I believe the government has chosen to ignore its advice—the definition of 'a computer' for which an access warrant will apply is considered to include 'computers attached on a network'. And as many, many submitters put to the committee and have put to the government directly, this effectively means that with a single warrant you could be authorising intrusion onto computers in a network in an unbounded way.

Senator Fifield, I know you are here in a representative capacity and this is not your bill but, just to put you on notice that, when we get to the committee stage I will be seeking detailed information—unless of course the government consents to the Australian Greens amendment, which is always a possibility—

Senator O'Sullivan: Don't hold your breath!

Senator LUDLAM: I know not to get my hopes up, but you come in here at least in an optimistic frame of mind. I would like to know how the government proposes that these clauses that it has inserted will be interpreted. A very wide range of submitters, from the Pirate Party, Electronic Frontiers Australia, all the way up to the Law Council have said it is vastly open ended to allow a single warrant for a computer system and to then arbitrarily extend it. Does that mean a premise, an entire building, a university campus, a small town? The internet is a network of networks and I believe the Australian law, particularly on surveillance powers, should recognise that fact.

The second issue which, again, has exercised the minds of nearly everyone who made a submission in the brief time that the PJCIS was given to evaluate this bill, concerns the idea that national security reporting becomes criminalised, sharing material on Facebook becomes criminalised, explicitly in black-letter law in this bill and I am appalled that the Attorney-General, who falls over himself in interviews to say he would be the last one to arbitrarily sign off on the coercive powers of the state—I believe he considers himself a true Liberal in the original sense of the word—would allow the criminalisation of reporting of this material.

So we have serious concerns and, again, Senator Fifield, for your benefit, when we come to the committee stage I would be very interested to know how the Australian government can justify clauses that criminalise reporting or authorised disclosure of some of these matters. We have seen from experience overseas, principally in the United States, that national security whistleblowing and the protection of public interest whistleblowing—and I am not talking about espionage—is an essential component of keeping some of these agencies honest.
I want to conclude with some thoughts, again, on community safety as opposed to the government's frame of national security, which always seems to imply increasing militarisation and coercive powers of the state. If we are serious about keeping people safe—about deradicalisation and prevention rather than cleaning up horrific messes after they have occurred—understanding that is partly the mandate of the policing and intelligence agencies is, by definition, pre-emptive. If you are cleaning up after a mess, I understand that is considered a failure and it is not something that anybody wants to see on their watch, whatever their politics.

The other way, apart from raising and increasing coercive surveillance powers, of preventing these attacks in the first place—apart from taking a long, hard look at well over a decade of Australian foreign policy—is to keep our own house in order. Anybody who watched *Q&A* last night would have seen the presentation by Dr Anne Aly. She spoke briefly of the People Against Violent Extremism organisation she is a part of, and some of the community and family deradicalisation work she has been engaged in. She does this on the proverbial smell of an oily rag; it is not a great proportion of the resources—of the tens and ultimately hundreds of millions of dollars—that are being hurled by this government toward national security objectives, which I understand. What about community safety? What about prevention where it really matters?

These initiatives were discussed at a symposium in Perth in 2013 on countering violent extremism. The Australian government does not have to look very far because some of it was funded by the former government and some of the funding—a trickle—still remains. We have had, at a pilot scale, excellent initiatives built on work done in Germany and other parts of the world, because Australia is obviously not alone in confronting these issues. Just to give you one metric: $13.4 million is dedicated to preventing young Australians from being caught up in these violent networks which operate almost as violent crime networks. That is 0.5 per cent, roughly, of the government's counter-terrorism package.

This has an important place in community safety. Deradicalisation and prevention in the first place—which I understand everybody in here is interested in—need resourcing. I know it is not as dramatic, and it might not get you on the front page of the *Daily Telegraph* tomorrow, but it is an essential part of preventing the further spread of violence. Cutting $11 million from the Building Multicultural Communities Program is really dumb. Cutting the Independent National Security Legislation Monitor is unforgivable. They are cutting humanitarian foreign aid and our humanitarian refugee intake. They zeroed, earlier this year, our foreign aid contribution to Iraq, which we helped demolish. These are decisions that come back to bite us. These are things that matter. People notice.

**Senator O'Sullivan:** That is not accurate!

**Senator LUDLAM:** Senator, you are free to contradict me when you get time to jump to your feet. If we still make any humanitarian foreign aid contribution to Iraq, I would be very keen to see it in the budget papers, because it has gone from quite a substantial commitment in the aftermath of the war to approximately zero.

Colleagues, the Australian Greens will not be supporting this bill. I look forward to getting some information from the government, when they come to the committee stage, as to exactly how it proposes to justify to a somewhat sceptical chamber the radical expansion of ASIO's surveillance powers which has come to seem almost like an annual event.
Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (13:03): I rise to make a few brief remarks about the National Security Legislation Amendment Bill (No. 1) 2014. I am doing so both in my capacity as a member of the Parliamentary Joint Committee on Intelligence and Security and also as chair of the government's legal affairs policy committee, which has carriage of these matters.

Firstly, I reject outright the imputation that was just raised about the motivations of the government—that somehow the whole move towards this legislation and these measures is an attempt to divert attention away from other issues. It is an outrageous claim, particularly given—

Senator Ludlam: I said the opposite of that!

Senator FAWCETT: I will take that interjection, Senator Ludlam. The claims were made both last night in the program, as has been referred to, as well as by many other people. The claims or orders that have come from ISIL in the last 24 hours highlight the fact there is a real risk the government needs to respond to, to make sure its intelligence agencies have an appropriate legislative basis for their actions to protect Australia.

I also reject outright the claim that somehow it is our foreign policy that has made us victims or targets of terror. To look at things such as the Bali bombings, which targeted Australia: those occurred before Australia became involved, in a military sense, in the Middle East. It is a statement by these organisations that they reject the very nature of our way of life—our plural, liberal, secular democracy as a form of government. They reject the individual's rights—the right to freedom of conscience and to hold one's own beliefs—as opposed to a centrally directed approach. They reject that outright. That is why we are a target, and that is why we need to take appropriate measures to support the security of our nation.

This bill does not present an annual increase of powers, as Senator Ludlam has just claimed. In fact, it is a package of targeted reforms to modernise and improve the legislative framework that governs the activities of the Australian intelligence community. It principally amends two pieces of legislation, the Australian Security Intelligence Organisation Act 1979 and the Intelligence Services Act of 2001. One of the important things to remember is that this is not just something the government has cooked up. It has come about predominantly because of the report last year of the Joint Committee on Intelligence and Security, as well as a number of recommendations from other agencies; but predominantly from that report. It has been a process, and part of the reason the process has occurred is the recognition of the fact that the two acts we are talking about are quite dated in a number of areas—some at the sharp end in terms of being operational and some at the administrative end, in terms of things like employment practices and how we go about employing people. So there is a range of measures encapsulated in this, which are just going to the process of due diligence by a government, with strong bipartisan support—and I want to put on the record here my respect for and gratitude to Mr Anthony Byrne from the other place, who is the deputy chair of the committee, from the opposition, who worked in a very constructive manner with the government to process the review of this piece of legislation. I will not talk too much more about that report because I will be tabling that on behalf of the committee and will be speaking to that subsequently.
The important point from a national security perspective, though, is that we have layers of security to protect our community, but the most important layer, the most effective layer, is intelligence. With effective intelligence, all the other layers become far more effective. Without intelligence, the other layers become quite reactive. It is a bit like the walls that were built in history to try and protect countries from other attacking forces; the attackers would find ways around them. Intelligence is one of our most important aspects of defence, and if our agencies are to remain effective then they have to be supported by legislation that allows them to respond rapidly to emerging security threats, both domestic and global.

To this end, the bill contains measures that address some of the practical limitations in the current legislation. As I said, they have been identified by the parliamentary joint committee. I know Senator Ludlam has talked about us debating a bill when we are not sure what is there. Well, we have seen the bill. The Attorney-General has issued a media release saying that the government will accept the 17 recommendations of the parliamentary joint committee, and he has also indicated in that release that they will be tabled and, during the committee stage, just like amendments from other political parties, dealt with in the committee stage. The government will be tabling those so that we can deal with and debate them and people like Senator Ludlam can ask questions in the appropriate process, which is the committee stage of the Senate.

I will just briefly outline the key areas that this bill goes to. As I said, it is looking at modernising the number of statutory employment issues. Some of these have not actually been updated for over 30 years, and they need to be updated. It is modernising and streamlining the warrant based intelligence collection powers for ASIO. One of the things that we have seen, in this most recent wave of atrocities committed, around the world and here in Australia is the use of social media. When some of this legislation was written, people still conceived of a computer as a great big box in one room, as opposed to smartphones, social media and the other networks we now have that are commonly used by people who are committing crimes. So, clearly, the legislative basis that underpins the work of ASIO and other agencies needs to recognise the developments in technology so that they can take appropriate actions to respond to developing threats.

There are a number of safeguards that are put in place, and a lot of the work that was done by the parliamentary joint committee in reviewing this bill was to look at how we could increase the safeguards—particularly IGIS, the independent body that was set up to do oversight. The comment was made before that the parliament has no idea of how some of these measures or some of these powers are being used. Well, that is not correct, because IGIS is set up as an independent body with deep probing powers to monitor what goes on within our intelligence services.

Part of the reason it is important to get this debate right is that we have to balance both the public interest and transparency, with not only the effectiveness of the agency but also the safety of the agents concerned. This particularly goes to the issue of SIOs—the intelligence operations that are essentially undercover operations. What is one person's whistleblowing motive—they might see something they think is inappropriate—put out in the public space not only potentially makes the operation ineffective but also very literally puts at risk the lives of people who are serving their nation and seeking to keep our community safe. So the committee looked to see how we can make sure that we make very explicit in this legislation
the fact that IGIS exists, and that people who go to IGIS with legitimate concerns are exempted from the parts of the legislation that make disclosure about an SIO illegal. That is one of the ways that the committee is looking to make sure that we find that balance between saying, 'There is a public interest in being able to hold an organisation to account, and IGIS is there to do that,' but, at the same time, 'What one person sees as legitimate whistleblowing can literally be a death sentence for somebody who is serving their nation.' So we need to get that balance right, and I believe that the committee's report on the legislation and the government's acceptance of those recommendations will achieve that.

In conclusion, as I said, I will be talking about the committee's report in some more detail when I table that in the Senate later this week, but I do strongly support both the intent of the government in the National Security Legislation Amendment Bill and, again, I welcome the bipartisan support of the opposition in this matter.

Senator LUDWIG (Queensland) (13:13): I rise to also contribute to the debate on the National Security Legislation Amendment Bill (No. 1) 2014. I also indicate that the opposition will be supporting the government's amendments as well as the substantive legislation. There can be little question that one of the primary functions of the executive government is to protect the citizenry of this country. That is beyond doubt. This extends to matters of economics and society, and to the harmony of the community. It also means the physical security, defence and protection of the nation-state. This primary function of executive government, however, is not a function in isolation. The protection of the nation and of the citizens of the nation also means the protection of our values and our Australian way of life. These are the values of a transparent and accountable government and also an informed parliament with executive oversight and, at times, restraint. The parliament, rightfully, has and should always continue to have a critical role over the powers extended to the executive and the use of those powers.

In finding that balance between personal freedoms and the responsibility of government to protect is a balancing act each parliament must face anew. The pace of change and the evolving nature of the threats posed to the country and to the security of the nation mean that these issues cannot be set aside and not dealt with. They must adapt and respond to the issues of the day as well as the views of the community. There will never be a perfect balance between the individual and the state. This is especially true of any policy, but particularly so when it comes to the security of this nation. As the Parliamentary Joint Committee on Intelligence and Security has noted:

… intrusive powers must always be balanced by appropriate safeguards for the privacy of individuals and the community recognising that Australia is a democratic nation which values personal freedom and places limits on the powers of the state.

The legislation before the chamber today is a mark of our democracy. That we can apply accountability and scrutiny to the powers of our intelligence agencies and to the executive government is a very good thing indeed.

These bills have not been drafted in a rush. I should also note that, despite their timing, it is wrong to consider that they are a direct response to the security issues that we presently face. Even if these updated powers must be used as part of that security threat, they are a broader set of changes to our intelligence framework and are long overdue. Some of the measures in this refresh relate to provisions as old as the 1970s. Some of the advisers may not recall the
1970s, but most of us in here would. The technologies, means and methods of the risks and threats to our national security have clearly changed since that era.

The bills we are currently debating come at the end of a long and proper legislative and expert driven policy process to continue the modernising of our intelligence agencies and their instruments. Labor initiated the review of these laws back in 2012, where they were considered by the Parliamentary Joint Committee on Intelligence and Security. Chapter 4 of that June 2013 committee report made 24 separate recommendations, which are largely represented in this amendment bill. The government has obviously gone through its own internal processes and has presented these bills to the Senate. Some may argue that it took Senator Brandis quite a while to bring them forward. Nonetheless, they are and have been considered by the Joint Committee on Intelligence and Security.

In the 2013 review committee report, the Attorney-General's Department noted that the security environment in which Australia's intelligence agencies operate is 'continually evolving and becoming increasingly diversified'. It is always difficult to make sense of the soft language security and intelligence officers use, but it is fundamental that there has been a significant shift over the last 10 to 15 years of our security environment and the way we respond to that is crucial. That is the fundamental issue that modern intelligence agencies need to confront—how we respond to those changing and evolving issues not only as they change but also diversify from what they once were.

The challenge for parliament is to assess and, where needed, amend the responses developed by the executive government in response to that evolving environment so that they match both the security environment and the standards of the community. The Australian Labor Party has insisted throughout this legislative process that any amendments be scrutinised and open to public submission and to public hearing. That has occurred with this legislation and has allowed proper debate to be continued in this chamber.

The amendments in this legislation update the employment framework of Australian Security Intelligence Organisation workers and clarify the relationship between ASIO and the private sector. Further, the bill strengthens the ability of ASIO and the Australian Secret Intelligence Service to cooperate in more streamlined chains of approval.

Security agencies have not been operating in a vacuum. Over the last decade, we have seen the evolving nature of the Australian Federal Police. They have significantly moved and changed to meet the criminal elements, from 2001 and all the way through. They have come before parliament and sought, through the executive, improved powers to manage the criminal threats to our society. During that process, we have had many a debate on how you balance the freedoms and the requirements of strong measures for the Australian Federal Police to deal with criminal elements. Those debates have ranged long and wide in the Senate. With that expansion, improvement and ability of the AFP to deal with criminal threats, we have not seen the intelligence community move with them. That has not occurred for a whole raft of reasons. It is now clear that this bill will allow the security and intelligence organisations to also move and be contemporaneously relevant with the Australian Federal Police.

We will not see the headline issues of the amendments today. They go to the point that these are modernising bills that have long been in process, starting with Labor referring them to the Senate committee in 2012. It was recognised that while the various powers of the Australian Federal Police are evolving and changing to address the threats of criminal
elements in our society, the powers and scrutiny of the intelligence community have not been evolving, to the same degree, with the evolving nature of the threats.

In 2012, Labor recognised the need for this change. These particular amendments that have been put forward today are not sudden or hasty responses to immediate security challenges—and this should be welcomed. The fact is that these have been scrutinised, brought forward, examined and passed through to us since as early as 2012. I am sure Professor George Williams would not mind me quoting him. He has noted:

Many laws are in poor shape after being rushed through prior parliaments, while others need updating because of new technology.

Whilst I might be taking him out of context, having known Professor Williams for many years I am sure he would not mind me adding that quote to this debate because I think he would recognise that there has been public scrutiny of these laws and that they have not been rushed through parliament. They have come through a proper process with proper consideration.

Whilst we reserve judgement on bills still unseen, in the process conducted on the current amendments bill it reflects the process that Labor has called for. Labor takes seriously the responsibility to support modernisation of our national security and the importance of appropriate scrutiny of these laws.

I want to make plain the point that Labor will take a different position to government on matters of national security where they do not align with our values or our beliefs. The responsible oversight of national security is such a belief. This is why, when in government, Labor created the position of the Independent National Security Legislation Monitor. It was a bad decision of this government to seek to repeal that position. It was wrong, and it was under the guise of removing red tape. I think everybody saw through that poor slip by the government. It was irresponsible, and Labor disagreed on that point. Labor opposed that decision, but I understand that even Senator Brandis is capable of eating humble pie. He has—

Senator O'Sullivan interjecting—

Senator LUDWIG: I know you laugh. I know you find it difficult to accept that proposition, but it does appear that in this instance he has. In this instance, Senator Collins and Mr Mark Dreyfus have called for this position. It needs to be properly funded and filled with experienced and credentialed individuals and have the support of this place. If the government is going to be serious about national security, it needs to be serious about national security oversight as well; not just a token gesture, but a real monitor in addition to the checks and balances in this chamber.

I think Senator Collins went to this very issue earlier today, but it is worth saying it again. On Monday, the Leader of the Opposition addressed the House of Representatives on Labor's approach to the national security challenges presently facing Australia. As Mr Shorten said: Labor believes that our security agencies and national institutions should have the powers and resources they need to keep Australians safe from the threat of terrorism.

I think that is an axiomatic statement. I think everybody in this chamber would want that to occur. He went on to say:
We also believe in safeguarding fundamental democratic freedoms. We must ensure that in legislating to protect our national security that parliament is careful not to damage the very qualities and liberties that we are seeking to defend from terrorist threat.

We do need to be vigilant. That is why, through the joint committee, various parliamentary committees and this Senate we have the opportunity of scrutinising the legislation. In committee stage, we also have the opportunity of examining the amendments to ensure they reflect that right balance that we speak about.

At this time, it is worth reflecting on the deep Labor principles. At the time the bill was introduced in the Senate on 16 July 2014, Labor gave in-principle support to most of the amendments proposed. However, Labor insisted that the bills be referred to the committee for public consultation to ensure that they are properly scrutinised and reflect the proper balance that I speak about. But Labor has always recognised the importance of our nation's security. While in office, we undertook a range of measures to strengthen national security. This is an ongoing process, an ongoing story for Labor. That is why we support this bill. It continues to be part of the story of Labor—about how we support striking the right balance between personal freedoms and our national security.

In government we strengthened intelligence relationships with our major allies. We proscribed terrorist organisations and ensured that our security agencies were resourced to prevent terrorist actions on Australian soil before they occurred. We built a new state-of-the-art operations centre for the Australian Security and Intelligence Organisation in Canberra and, even now in opposition, Labor is working constructively with the government on matters of national security.

That does not mean we give the government a blank cheque. What it does mean is that we ensure the government responds appropriately to the need to see that our security agencies have the appropriately resourced powers to maintain the security of the nation. As Labor has consistently argued, while we support the appropriate extension of the powers of our intelligence agencies to meet Australia's security needs, it is critically important that these powers be appropriately balanced against the rights and democratic values that our nation holds dear and that it contains those suitable checks and balances in place to ensure that these powers are always used correctly. That includes a well-resourced Digest and a well-resourced Monitor. It includes proper oversight of ASIO and a proper oversight of our intelligence organisations, more specifically.

In looking at all this and doing its job, the committee examined many of these issues. I want to single out one or two before my time finishes. For example, changes that we sought and that the committee recommended, concerned the Attorney-General's approval of any special intelligence operation including variation to an SIO or its extension beyond six months—recommendation 9. This is about ensuring that there is proper oversight, in this instance, by the Inspector-General of Intelligence. The enhanced oversight of the SIO scheme by the Inspector-General of Intelligence and Security is recommendation 10. These are about making sure that the national security legislation is both supported here and in the community and responds appropriately to community concerns, but that it also addresses what I have described as the 'catch-up' by ASIO to a modern security environment where it has appropriate powers to deal with evolving security threats.
Senator WRIGHT (South Australia) (13:32): I rise to speak today on an extremely significant piece of legislation, the National Security Legislation Amendment Bill (No. 1) 2014. Indeed, this legislation has been characterised as the most significant change to security laws in Australia since the far-reaching antiterrorism laws introduced by Prime Minister John Howard in 2005.

Let me say clearly and right at the outset, the Australian Greens understand the need for intelligence agencies to have appropriate powers to protect Australia's national security interests. We also understand of course the serious nature of current threats to national security. After all, we are part of this society we are wanting to protect. We live in the community. My kids and my friends and my neighbours live in our community. We share an interest in living safely and securely.

But we also share an interest with our fellow Australians and, indeed, the good fortune, to live in a democracy with a legal system that has developed over centuries to uphold individual liberties and comply with the rule of law. As the Prime Minister said yesterday, regrettably, for some time to come the delicate balance between freedom and security may have to shift. It is in that balance and that shift that lies our task as a responsible representative body and as legislators to consider what the implications of that statement will be and how it will be manifested in legislation that comes before this chamber. That is why this legislation and the legislation that is coming down the track is significant and that is why it is vital that there are those of us in this parliament who are willing to look carefully at the substance of what is being proposed. We must explore all its possible consequences, intended and otherwise, to ensure that the rights of Australians—the rights of all of us—are not being unduly compromised or eroded.

Among other measures, this bill seeks to expand the power of intelligence agencies. If that is to occur, the Australian Greens believe that those expansions must be necessary. There must be compelling evidence to justify enhanced security powers and the expansions must be coupled with appropriate safeguards.

I have serious concerns about some of the proposals in this bill which would significantly expand the power of intelligence agencies without the necessary safeguards and that, as a result of this legislation, the privacy and other rights of average Australians will be compromised. As stated in the Gilbert + Tobin Centre of Public Law submission to the Parliamentary Joint Committee on Intelligence and Security, the PJCIS:

There is a need, in the intelligence context, to maintain a strong accountability framework so as to ensure that corruption and abuses of power do not occur (or are at least can be detected and minimised).

Their submission goes on to note that the legislation in its current form lacks accountability by:

... establishing vague and unduly broad criteria for the issue of a warrant, internalising the process for authorising intelligence-gathering activities and cloaking these activities in even greater secrecy than that which they have historically enjoyed.

As well as concerns about accountability, the Australia Greens have concerns that many of the measures that we are being asked to vote on today have not been subject to appropriate parliamentary scrutiny. Unlike other legislation, this bill has not been considered by the Senate Standing Committee on Legal and Constitutional Affairs, a committee in which all senators are able to participate. Instead it was referred to the Parliamentary Joint Committee on Intelligence and Security.
on Intelligence and Security, the very committee which had originally come up with the recommendations for reform to national security legislation on which it is based. If passed, this bill will implement the majority of the recommendations in chapter 4 of the Parliamentary Joint Committee on Intelligence and Security 2013 report of the inquiry into potential reforms of Australia's national security legislation. So we have a parliamentary committee scrutinising a bill which was largely written by itself.

Our concerns do not finish there. It is a parliamentary committee from which the Australian Greens and all other crossbenchers have been actively excluded. What justification can there be for the exclusion of representatives of a significant proportion of the Australian public from considering the implications and effects of laws that will change Australian people's rights in unprecedented ways? Then there is the short consultation period, again noting that this is legislation which will change the rights of security agencies and individuals in Australia in unprecedented ways. Various organisations and individuals making submissions have commented on their inability to consider that legislation in detail due to the short timeframe provided for public consultation.

Similarly, there is concern about the speed with which this legislation has been introduced to parliament and the fact that we have not yet seen some of the significant amendments. We are being assured that they will meet the concerns that have been raised and, yet, we have not seen them yet. It also means that the parliamentary watchdog on human rights, the Parliamentary Joint Committee on Human Rights, has not been able to assess the human rights implications of this legislation as yet. In my view, it is likely that many of the provisions of this bill will be found to be incompatible with various human rights in Australia. It is likely that the committee will actually make the same finding at the end of its process. But it is also likely that the government and the opposition will have dispensed with this and will pass the bill before it has even been canvassed by the human rights committee, making a mockery of the process that is designed to give appropriate consideration to human rights in the law-making of our national parliament.

Given the complexity and consequences of this legislation, it is impossible to fully articulate all of the Australian Greens' concerns in a short speech. However, I concur with many of the concerns made in submissions by the Gilbert + Tobin Centre of Public Law, the Media, Entertainment & Arts Alliance, the Law Council of Australia and other credible bodies, who have invested a great deal of time and expertise in analysing this legislation.

I will go to three of the most controversial measures being proposed in this National Security Legislation Amendment Bill (No. 1) 2014. First, there is the proposed special intelligence operations, or SIO, scheme, which would provide for criminal and civil immunity, provided that certain conditions are met, for ASIO officers and affiliates who are involved in criminal activity during the course of an undercover operation. It should be noted that the safeguards and accountability requirements for the special intelligence operations scheme are less stringent than that recommended by the PJCIS. There has also been plausible speculation that this scheme could open the door to impunity for actions that amount to torture. Obviously, such ambiguity is totally unacceptable. The Attorney-General has said that he will be moving amendments to rectify this concern, but we have not seen the amendments yet, so how do we know what they will say? Clearly, given the scandal and shocking situation that arose in the United States in relation to the question around torture in Guantanamo Bay,
that is something that the Australian Greens and the Australian public would never canvass in Australia.

A more general concern from some submitters to the PJCIS noted that the government should provide concrete evidence as to why an SIO scheme—a special intelligence operations scheme—is required in the first place. The Attorney-General's second reading speech canvassed the idea that corresponding protections to those available to the Australian Federal Police should be extended to participants in covert intelligence operations. This logic was refuted by Gilbert + Tobin in their submission, which said that ASIO should not automatically receive the same powers as the AFP as it is not analogous. It is not a law enforcement agency and it is not accountable through the criminal trial process in the way that a law enforcement agency is.

Secondly, as we have already heard from my colleague Senator Ludlam, the Australian Greens are also highly concerned about the proposed new offences and increased penalties for existing offences relating to the unauthorised disclosure of a special intelligence operation. This provision has been met with criticism by the Media, Entertainment & Arts Alliance, among others, who are concerned it could chill national security reporting. The penalty for existing offences will be increased from two years to 10 years imprisonment. We also have concerns about parts of the proposals regarding ASIO's warrant powers, including the ability of ASIO to access an innocent third party's computer or an entire computer network, or to disrupt such systems to target a suspect—again, as has been discussed by my colleague Senator Ludlam.

The Australian Greens echo the calls of experts in this space to urgently engage the next appointed Independent National Security Legislation Monitor to review existing legislation in light of the amendments proposed in this bill. This independent scrutiny is critical and should be abided by. The advice should be heeded, unlike the sorry history that we have seen with both governments in ignoring previous reports of this monitor—when the position was actually filled. We should not make amendments of this nature lightly. Our national security legislation should receive proper public and parliamentary scrutiny and should strike a real balance between freedom and security.

I would like to revisit the issue of proposed offences for unauthorised disclosure of information about special intelligence operations, with reference to the potential implications for journalists and freedom of speech more broadly. I believe this has dangerous implications for freedom of speech and the transparency and accountability of government that we have a right to expect in a democracy. Schedule 6 of the bill will create two new offence provisions and update existing offences for the unauthorised communication of intelligence information.

As outlined in a submission to the PJCIS by the Gilbert + Tobin Centre of Public Law, a person may be imprisoned for a maximum of five years for disclosing any information relating to a SIO, a special intelligence operation. This is an exceptionally broad offence that will apply to any person, not just an ASIO employee or contractor. There is no requirement that the person is aware that a SIO has been authorised—and this knowledge would actually be very unlikely given the secrecy around a SIO authorisation. There is also no requirement that there be evidence of adverse consequences or even possible consequences arising from a disclosure.
The Australian Greens share the concerns of the MEAA and other organisations that have raised the possibility that a journalist may face up to five years imprisonment for publishing information that relates even vaguely and inadvertently to a SIO. This could have a chilling effect on national security reporting, with journalists understandably wary about reporting on issues that are well within the public interest. Under this offence it is enough that the person is aware of a substantial risk that the disclosed information is connected in even a minor way with a SIO. It is a very low standard indeed.

In relation to the second and more aggravated offence for unauthorised disclosure of information about a SIO, the Gilbert + Tobin Centre of Public Law summarise that the offence occurs when a person intends or the disclosure will endanger the health or safety of any person or prejudice conduct of a special intelligence operation; however, a number of submissions to the PJCIS say that the penalty for this offence is excessive, provides limited excuses and in particular is missing any defence in the public interest. As I often say, accurate information is the currency of democracy. The Australian Greens do not support the chilling of national security reporting through introducing broad offences with serious penalties as well as increasing penalties for existing offences. It is the crucial role of the media to scrutinise government and its agencies.

As reported in *The Australian* back in July, Senator Brandis has insisted that the new offences are not aimed at journalists or placing restrictions on freedom of speech. However, it was noted in that editorial that the legislation makes no exemptions that could open the way for its misuse by a government or bureaucracy intent on secrecy to avoid embarrassment. Indeed, under the first offence I mentioned—the inadvertent offence, where a person inadvertently discloses information about a SIO—the Gilbert + Tobin Centre of Public Law used the example of a teacher who uses an article written by a journalist that mentions an ongoing terrorism investigation relating to a SIO as a teaching aid, for example, in a legal studies class. As suggested in their submission, the teacher may be caught by this offence. That is how broad it is.

As mentioned earlier, the Australian Greens are concerned about the lack of independent scrutiny for this significant legislation. The bill is extremely complex and it is only the first of three national security bills foreshadowed by the government this year. It was recommended in the 2013 Parliamentary Joint Committee on Intelligence and Security report that amendments implementing the committee's recommended changes to Australian intelligence community legislation be released as an exposure draft for public consultation, as well as being subject to parliamentary committee scrutiny and targeted consultation with the Independent National Security Legislation Monitor and the Inspector General of Intelligence and Security. This has not happened.

We can and we must remain vigilant against acts of terror in Australia but we must also remain vigilant about protecting the rights and freedoms of Australians. As Human Rights Watch Australia Director Elaine Pearson wrote in *The Guardian* yesterday:

… parliament shouldn’t rush to adopt laws that infringe on basic rights and that risk criminalising the legitimate actions of whistle-blowers, journalists and human rights activists.

These changes must not be made lightly. They must not be made in a rushed way. Every possible scenario must be considered. Every possible gap or unintended consequence deserves our utmost attention.
This legislation engages a number of human rights, as outlined in the statement of compatibility with human rights that accompanies the bill. A number of submitters to the inquiry voiced concerns about the human rights implications of the bill. There is the unacceptable erosion of freedom of communication and freedom of the press, as suggested in a joint submission from numerous media organisations; there are the undue restrictions on freedom of political communications, as expressed by the Pirate Party in their submission; and there is the undermining of the right to freedom of expression and the right to protection from arbitrary and unlawful interferences with privacy, as outlined in the submission made by the councils for civil liberties. The Human Rights Commission in their submission also raised a number of human rights concerns which the commission suggest require further consideration prior to the enactment of the bill.

This bill represents the most significant change in security law in almost a decade. We must responsibly and carefully analyse and scrutinise this legislation to ensure it does not disproportionately restrict the rights and freedoms of Australia. We can be vigilant against acts of terror without undermining the very freedoms we seek to protect. We must be steadfast in protecting the fourth estate. Accurate information is the currency of democracy, and journalists must not be prevented from publishing information that may be embarrassing for the government of the day. Journalists must be empowered to tell uncomfortable truths. For this reason and many others the Senate must subject this bill and any further national security legislation to the highest level of scrutiny. For this reason I will not be supporting this bill.

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (13:51): I rise to speak on the National Security Legislation Amendment Bill (No. 1) 2014, being the first tranche of the government's proposed reforms to national security legislation. This bill will modernise and enhance the legislative framework that governs the Australian intelligence framework. It does so by focusing on the powers of intelligence agencies and the way they have available to them to obtain and gather intelligence for the purposes of protecting our national security. The bill implements the government's response to chapter 4 of the bipartisan report of the Parliamentary Joint Committee on Intelligence and Security in its inquiry into potential reforms to national security legislation that was tabled on 24 June 2013.

By addressing the practical limitations identified by the Parliamentary Joint Committee on Intelligence and Security, this bill will ensure that our intelligence agencies retain their capabilities to protect Australia's national security in the contemporary security environment. In particular, the bill focuses on recommendations in chapter 4 of that report, of which the government has accepted most in full or in part. As indicated, the bill would modernise and enhance the legislative framework governing the Australian intelligence community. In particular, the bill will ensure that intelligence collection and related powers keep pace with technological developments, particularly the use of online communications by persons of security concern. To this end, the bill will also assist in managing the risks presented by Australians who are participating in foreign conflicts or who are supporting participants in foreign conflicts, and this of course includes terrorist organisations.

Intelligence is at the forefront of our national security capability and it is vitally important that this remain the case given the global challenges we face. The reforms to the intelligence specific secrecy offences will strengthen Australia's capability to manage the risk of
unauthorised disclosures of classified information by trusted insiders who have access to such
information in the course of their official duties. This bill is a significant contribution towards
e nsuring that future capability of Australia's intelligence agencies are secured. In broader
terms, this bill is just the first step in the government's commitment to maintaining and
improving Australia's already strong national security laws where this is necessary.

As has been indicated, other legislation will shortly be brought in which will complement a
suite of available laws. The government is undertaking a comprehensive review of these laws,
which will involve responding to recent reviews and proactively addressing any gaps that may
be required to be filled to ensure that our agencies can respond effectively to emerging
security threats. Let us not forget that four planned terrorist attacks on Australian soil have
been disrupted since the enactment of Australia's counterterrorism legislation in 2002. In
addition, 23 people have been convicted under Australian law of terrorism related offences.
Most of these prosecutions have made significant use of vital intelligence information. I take
this opportunity to point out that in these prosecutions reliance was also placed on information
from the public and that without that information from the public, including from various
communities, those prosecutions would not have been possible.

It is imperative that the statutory framework governing the operations of Australia's
intelligence agencies does keep pace with the contemporary and evolving security
environment in which we live. If our agencies are to maintain their effectiveness, they need to
be supported with legislation that allows them to respond rapidly to emerging security threats,
both on the domestic front and on the global front. Amongst these activities in the
international sphere of security concern is transnational terrorism. This includes the
involvement of terrorist organisations in civil conflicts or insurgencies, such as what we are
witnessing in Syria and Iraq. As we know, around 60 Australians are participating in the
conflict zones in Syria and Iraq; a total of 150 Australians, both onshore and offshore, are
involved in the conflict, and this ranges from engagement in fighting to providing support
such as facilitation or funding. And we know that a considerable number have also been
precluded from travelling to these areas.

Again, I particularly mention the work that has been done by people, particularly in the
Muslim community. Imams, families and community leaders have been involved in important
counselling work with young disaffected people and stopping those young people from
travelling abroad. This is the most significant risk to Australia's domestic security that we
have faced in many, many years. There is a real risk that such participants will become further
radicalised. They may return to Australia with an increased capability and a capacity to
pursue violent acts in our community. The threat of a terrorist attack on Australian soil is a
very real one, it has not diminished. Indeed, the threat of home-grown terrorism is an
enduring one in today's global environment.

We have seen rapid developments in information and communications technology,
particularly in the online space, and this has led to increased use of activities that do raise
security concerns. Terrorist groups and individuals are becoming much more sophisticated in
their use of such technology in organising themselves and in evading detection. And that is
why it is vitally important that our security and our intelligence forces are one step ahead.
Espionage also remains a security threat, and we have seen a number of high-profile cases
which are a stark reminder to us of the risks presented by so-called trusted insiders in this
respect. It is important that our intelligence agencies are equipped with powers that enable them to function at their best and to function most effectively in this environment.

I am pleased to support our efforts to secure Australia's position in relation to these issues. Our government will do whatever is possible to keep its people safe, but I want to stress that our security measures are directed towards terrorism and those who would do us harm. Can I stress that these measures are not about religion and they are not about any sector of our Australian community. This legislation provides the framework, in effect the hardware, but it is also vitally important that we have the most effective software.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Child Care

Senator STERLE (Western Australia) (14:00): My question is to the Minister for Indigenous Affairs, Senator Scullion. I refer to the government's decision not to renew the National Partnership Agreement on Indigenous Early Childhood Development and to the 38 child and family care centres across the country that now, sadly, face closure. Is the minister aware that for some communities, including Halls Creek and Fitzroy Crossing, these centres are the only local child and family care centres? Minister, where will these families go?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:00): The direct answer to your question is they are going to continue to go to these family and children centres because they are staying open. They are not going anywhere. The children will continue to attend those centres. I have to say as I move around those centres that they are excellent centres, and I commend the previous government for the building of those centres.

As I move around the centres, they seem a bit curious when they ask me: 'Why didn't the previous government actually, when they put this agreement in place, take care of future funding arrangements? Why didn't they put in place something in forward estimates that actually dealt with some of those matters?' But, by and large, we have 38 family and children centres that were provided for. It cost almost $300 million.

As I move around the country, I have to say the vast majority of these centres are doing extremely well. There are some anomalies to that in terms of the feedback that I have had from some of them. They are run effectively, and this was part of a national agreement that they would be the responsibility of the states. They were handed out to the states and territories, and the states and territories would continue to fund them. That was actually a national agreement. That was the entire agreement.

So, as I said, the children will continue to attend these centres, and they are going to get access to a whole suite of state, territory and Commonwealth services.

Senator STERLE (Western Australia) (14:02): Mr President, I ask a supplementary question. Minister, I will ask you once again. How will these centres—particularly Baya Gawiy in Fitzroy—continue to operate without the $950,000 that the federal government previously committed to their operating costs?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:02): I very much hate to spoil your day. The $950,000 was
provided to four places. It was provided by the Western Australian government, not the federal government, and the federal government quite reasonably said to each of the states and territories, 'If you have an underspend in this area, come and talk to us.' Fundamentally we said: 'If you have an underspend, you can do what you like with it. We would really like it if you actually spent it in that area.' Some had an underspend; some did not. I understand the Western Australian government hypothecated their underspend into assisting some of those family community centres. But it is certainly not an issue for the Commonwealth government.

Senator STERLE (Western Australia) (14:03): Mr President, I ask a further supplementary question. Once again: $950,000 was committed. There is no commitment from the federal government of any ongoing assistance, financial or otherwise. Can the minister please clear up for this house how the heck they can continue to operate without the important funding coming from the federal government that you have ceased?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:04): The way the 38 centres, including those centres that Senator Sterle indicated—

Opposition senators interjecting—

Senator SCULLION: They are currently being funded by both state and Commonwealth programs as I speak. Out of each of those state and Commonwealth programs is an administrative portion under which each of the centres—

Senator Conroy interjecting—

Senator Sterle: You have refused to fund them. I was up there three weeks ago. You're not funding them.

Senator Wong interjecting—

The PRESIDENT: Senator Sterle, you have asked your question.

Senator SCULLION: I am trying to answer the question. Somebody just indicated that I was misleading the Senate. I am not so sure that that is in order.

Senator Sterle interjecting—

The PRESIDENT: Senator Sterle, you have asked your question. Order!

Senator Conroy: You are an idiot.

The PRESIDENT: Senator Conroy, withdraw that please. Stand up and do it properly.

Senator Conroy: I withdraw.

The PRESIDENT: Thank you. Minister, you have the call.

Senator SCULLION: Of the 38 centres, none of them received any funding from the Commonwealth, either in this government or in the previous government, for administrative processes. They all make them and do very well from ensuring that there is an administrative aspect as part of the processes that they deliver in services. That is exactly how they will continue to be funded. (Time expired)

Carbon Pricing

Senator CANAVAN (Queensland) (14:05): My question is to the Minister for Finance, Senator Cormann, the Minister representing the Minister for the Environment and the
Treasurer. Can the minister advise the Senate of the impact of removing the carbon tax on power, water and sewerage prices across Australia, including in remote communities?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:06): I thank Senator Canavan for that question. I can advise the Senate that the evidence is in. The removal of Labor's failed carbon tax has led to reductions in the cost of electricity, reductions in the cost of water and reductions in the cost of sewerage. Of course, Labor said it could not be done. Like they said we could not stop the boats, they said the carbon tax removal would not lead to price reductions. This is what Bill Shorten said on 17 July, the day the Senate voted to get rid of the carbon tax:

Do Australians really believe they're going to see back all the money which Tony Abbott alleged the carbon price cost them?

The answer to that now is a resounding yes.

The other day I had the privilege of travelling with the Prime Minister to north-east Arnhem Land. I visited there a great organisation in Galiwinku on Elcho Island. I visited the Marthakal Badurruru Workshop, and guess what. Even there there was evidence that the repeal of the carbon tax was bringing down the cost of electricity, bringing down the cost of water and bringing down the cost of sewerage. I am reading here from the sign that was put up at that particular workshop. Senator Dastyari has seen this picture because he went to my Facebook site to check it out. This is what it says:

On the 17 July 2014, the Federal Government announced the removal of the carbon tax, to be backdated to 1 July 2014. This change—

—and this is a very important point—

—reduces your power, water and sewerage prices.

And it goes on:

All customers billed from 1 August onwards will receive a bill that no longer includes carbon tax. If you were billed between 1 July and 31 July 2014, you would have received a bill that included carbon tax. If so, you will be refunded the carbon tax component in your next bill.

And right across Australia—

**Senator Moore:** Mr President, I rise on a point of order. In terms of using props in the chamber, I trust that the minister will be able to read his next answer without such a picturesque prop to wave around.

**Senator CORMANN:** I can confirm that in New South Wales residential electricity prices went down by 10 per cent by Simply Energy. In Victoria, Lumo Energy reduced by 8.2 per cent the cost of electricity for small businesses— *(Time expired)*

**Senator CANAVAN** (Queensland) (14:09): Mr President, I ask a supplementary question. Is the minister aware of any alternative policies on a carbon tax and their effect on power, water and sewerage prices in Indigenous communities and elsewhere across Australia?
Senator CORMANN (Western Australia—Minister for Finance) (14:09): If Labor was re-elected to government, Labor would bring back the carbon tax, Labor would push up the cost of electricity again and Labor would push up the cost of water and the cost of sewerage again right across Australia, including for Indigenous communities in remote Australia. I make this prediction: in the lead-up to the next election, Mr Shorten will campaign and will go to the election promising, ‘There will be no carbon tax under a government I lead.’ Mr Shorten will go to the campaign—‘There will be no carbon tax under a government I lead.’ They will use all sorts of weasel words—

Senator Wong: ‘No cuts to education. No changes to the pension.’ What happened to the lies you told?

The PRESIDENT: Order!

Senator CORMANN: But, Mr President, if it looks like a duck, if it quacks like a duck, if it walks like a duck, it is a duck.

Honourable senators interjecting—

Senator CORMANN: If it looks like a carbon tax, if it hurts like the carbon tax, it is a carbon tax. Whether you call it a carbon price, whether you call it a floating price or whether you call it a fixed price—whatever the Labor Party choose to call it—whatever they bring back will hurt. (Time expired)

Senator Heffernan: I rise on a point of order, Mr President. Can I request that you tell them to turn it down a bit. They are screaming like lunatics.

The PRESIDENT: There is no point of order, Senator Heffernan.

Senator CANAVAN (Queensland) (14:11): Mr President, I ask a further supplementary question. Is the minister able to inform the Senate of any other plans to reintroduce taxes that have been abolished by this parliament?

Senator CORMANN (Western Australia—Minister for Finance) (14:11): Labor will bring back the carbon tax. Of course, Labor, if they were re-elected to government, would also bring back the mining tax. How do I know this? The Labor member for Perth is already campaigning to bring back the mining tax. Again, Mr Shorten is saying, ‘Oh, well, you know, perhaps not in the same form’, and, ‘We made some mistakes, but we've still got to get a return.’ He is going to put all sorts of language around it and all sorts of weasel words. Labor will bring back the mining tax, which will hurt the economy, hurt jobs, hurt investment and slow Australia down.

How do I know this? Here is former Treasurer Wayne Swan—remember him? Remember former Treasurer Wayne Swan, who spent all the money he thought the mining tax would raise and more? Guess what? He is still spending the money he thought the mining tax would raise. Here he was the other day on ABC 24 saying that the money from the mining tax could be invested, and I am quoting him here, 'in tax reform or supporting other elements of public policy, such as education'. He is still spending money from the tax that did not raise any—(Time expired)

Budget

Senator McLUCAS (Queensland) (14:12): My question is to the Minister for Indigenous Affairs, Senator Scullion. I refer to this year's budget papers, which confirm:
… net savings of $534.4 million over five years through efficiencies resulting from the rationalisation of Indigenous programmes, grants and activities …

I also note the minister's statement on ABC radio, when he said: 'There are no cuts at all.' Which is correct—the budget papers or the minister?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:12): And I can just continue the quote—‘to front-line services.’ I will maintain that there are no cuts at all to front-line services. Of course, when those opposite are peddling this sort of material, even with the basis under which they say, 'There has been this much cut,' they forget to add to the Australian people that it is useful to notice that there were also some additions in the offsets. Clontarf academy—everyone has heard what a fantastic job they have done—will receive $13.4 million. For police infrastructure in remote communities, there is $54 million—oh, sorry about that; I just forgot to mention it. How disingenuous do we have to get? There is $10.6 million for outback power. Support for the Northern Territory Child Abuse Taskforce is another $3.8 million. There will be more Aboriginal community engagement officers, with another $2.5 million—I am sorry, I left that off the list. The national congress of the first peoples will receive $15 million over three years, and $29.3 million had already been provided to 30 June. The list goes on.

The point I am simply making is that, with those opposite, you have got to be a bit cynical about what they say. You have got to listen very carefully for the parts that they simply do not put forward. As I have indicated, it is simply an inconvenient truth. Let me tell you, there is enough wrong with my portfolio from what I have invested and for what will be in the future without having to make it up. There are enough challenges in this portfolio without having to make them up. I simply refute the notion that there were that many cuts—that is simply not correct.

Senator McLUCAS (Queensland) (14:14): Mr President, I ask a supplementary question. Can the minister confirm that the Family Violence Prevention Legal Service, which has been supporting Indigenous women and children for the past 16 years, does not have guaranteed funding as a result of his decision to amalgamate 150 Indigenous programs? Will the minister now guarantee ongoing funding for the Family Violence Prevention Legal Services?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:15): Thank you for the question, Senator. What I can guarantee is that the same amount of funds that were available will still be available. What also will happen is that we will be in a competitive environment. So we think that the Family Violence Prevention Legal Services—

Senator Wong: That is not true.

The PRESIDENT: Order, Senator Wong!

Senator SCULLION: I have been advised that the Family Violence Prevention Legal Services have an anticipated underspend this year of $500,000—that is just in this year. We do not yet have the final figure for acquittals; they are still coming from the service providers. I am confident it is going to show that this funding was not even being spent in the previous years. I notice you are talking about Family Violence Prevention Legal Services. You forgot
to mention the $6 million we just provided to the Northern Territory government so everybody in the Northern Territory can enjoy access to those sorts of services.

Senator McLUCAS (Queensland) (14:16): Mr President, I ask a further supplementary question. Is the minister aware that the Ballarat and District Aboriginal Cooperative, which has been operating for 35 years and services the health needs of the local area, will not find out until next year whether they are funded beyond 30 June? Will he now guarantee ongoing funding for the Ballarat and District Aboriginal Cooperative?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:17): As I said, for every service their current funding arrangements will be honoured. Some will go until the last day of this year, 30 December; some will go to 30 June 2015. That is the situation at the moment. You are right: they will have to wait until next year. We are making the decisions based on some time, some full consultation with these processes, but there is nobody at this stage who can say, 'If my funding ends on 30 December this year, it will be extended, but if my funding ends on 30 June 2015, it will necessarily be extended.' I have written to every single one of those providers and I have to say that there has been no reflection about any particular concern or surprise in that regard. This is the first time I have had any particular concerns that you have reflected from this particular health service in Ballarat, but I will get in touch with them today and check that out.

Climate Change

Senator WATERS (Queensland) (14:18): My question is to the Minister representing the Minister for the Environment, Senator Cormann. The head of the UN climate convention, Christiana Figueres, has warned this morning that coal has no future in the world's energy mix and that coal reserves should be left in the ground to avoid catastrophic climate change. If the Galilee Basin in Queensland were a country, burning its coal would make it the seventh largest emitter of CO2 on the planet. Will the government now agree that it should not be such a shameless cheerleader for the mega coal mines proposed for the Bowen and Galilee basins?

Senator CORMANN (Western Australia—Minister for Finance) (14:18): I thank Senator Waters for that question. I understand she feels strongly about this particular issue but, as I have said on so many occasions, I suspect that we have to agree to disagree because I happen to think that coal does have a very strong future. I happen to believe that coal will continue to be an important part of our energy mix in the future. I happen to believe that coal will continue to provide an opportunity for Australia and people across the world to generate economic growth and to, of course, be part of lifting communities across the world out of poverty and to higher living standards.

I see Senator Waters shaking her head but I do remember that I have shared this with the chamber before. I have come across—courtesy of the Leader of the Government in the Senate—an article in the Hobart Mercury. Here it is. The headline is 'Coal fired power best option'. Guess who said that? His name at the time was Dr Bob Brown. Dr Bob Brown was chaining himself to trees, trying to stop the development of the Franklin Dam in Tasmania. Here he was saying to us, ‘Give us more coal. Please give us more coal. Don't give us this dam. Give us coal.’ I agreed with Dr Bob Brown before he became Senator Bob Brown. I agree that coal of course has to be an important part of our energy mix in the future. Anybody
who thinks that it will not be so—I cannot find the words in my limited English linguistic capacity for how to best describe that. Senator Waters, you go to your voters and tell them you want to eliminate coal. We will go to the people of Australia and say that we believe coal is an important part of our economy for the future. Let us see what the Australian people decide. *(Time expired)*

**Senator WATERS** (Queensland) (14:20): Mr President, I ask a supplementary question. The carbon tracker report presented to the UN climate summit today—which the Prime Minister is not attending—finds that peak thermal goal demand in China could come as soon as 2016. The report showed that the Galilee Basin megaminers, railways and coal ports are economically unviable under a low demand coal scenario. Why is the government allowing Australia to be saddled with what will become huge stranded assets?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:21): Let me say that I do not appreciate the flippant remark which Senator Waters made about the Prime Minister not attending. The Australian government is represented appropriately by Foreign Minister Bishop. It might have escaped the notice of Senator Waters, but the Prime Minister is dealing with some very serious matters in the national interest. The Prime Minister will be travelling to New York later tonight in relation to some very serious matters in the national interest. For Senator Waters to come in here and flippantly suggest that the government is not giving appropriate focus to this particular issue because the Prime Minister is not in attendance himself during a sitting week is, quite frankly, quite inappropriate.

Having said all of this, of course the Australian government is involved in all of these international processes, as is appropriate, but it is focused on Australia's national interest. Our national interest is to continue to grow the economy in a way that is environmentally sustainable and that is what this government is continuing to do.

**Senator WATERS** (Queensland) (14:22): Mr President, I ask a further supplementary question. With these clear signs that the world is moving to a clean energy future, the government's energy green paper that was released today is backing up its buddies in the coal and gas industry and ignoring the hundreds of thousands of people around the world who marched on the weekend for a safe climate—and it is ignoring 97 per cent of climate scientists and the UN. My question is: are you even paying attention?

**Senator CORMANN** (Western Australia—Minister for Finance) (14:23): I say to Senator Waters: this is not student politics. We are actually dealing with some serious issues here. This is not about supporting buddies; this is about making sure that we have got a solid foundation to build a stronger, more prosperous economy. Of course, part of building a stronger, more prosperous economy is ensuring that we have a reliable, sustainable supply of internationally competitive energy sources. As I said in my answer to the primary question, coal, gas and other energy sources will be important parts of that.

Given that we had Dr Brown advocating for coal-fired power as the best option, I suspect that at some point we are going to see Greens Senator Ludlam from Western Australia come in here and advocate for nuclear energy. I suspect that one day Senator Ludlam will come in and advocate for nuclear energy as the clean energy solution for the world. The Greens have been on a road to Damascus with these things— *(Time expired)*
Asylum Seekers

Senator BACK (Western Australia) (14:24): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister inform the Senate of the progress of Operation Sovereign Borders and how it compares with previous policies?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:25): Senators would be aware that on 18 September the country celebrated 12 months since the implementation of the coalition’s Operation Sovereign Borders policy. Since the implementation of the policy, the clear failures of those on the other side have quite literally been laid bare for all to see. Let us cast our minds back to 2007, when there were four people in immigration detention and none of them were children. Jump forward five years, and this country saw in excess of 50,000 people arrive here illegally on in excess of 800 boats. In the 12 months preceding Operation Sovereign Borders, under the former government, there were a total of 401 people-smuggling boat ventures carrying 26,543 people on board. I remind people who are listening in that those people were dumped into the community by those opposite and they did not even commence processing them. They left the Australian taxpayer with a legacy case load of 30,000 people whom they literally dumped in the community.

No-one has died at sea since this government implemented turn-backs in December 2013. Compare that to the 1,200 who were confirmed dead at sea under the former government’s policies. In September of last year, the Australian people voted overwhelmingly for those on this side to restore integrity to our borders, and that is what we are doing.

Senator BACK (Western Australia) (14:27): Mr President, I ask a supplementary question. I thank the minister for that information and I ask: can the minister inform the Senate of the benefits for Australia of having a strong border protection program?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:27): Yes, I can. In the first instance, more than 1,600 potential illegal immigrants on 45 ventures have been disrupted before they could travel to Australia. If you remember, under the former government at one stage a boat was arriving every single day. There were so many that the Australian people woke up and literally saw the numbers getting higher and higher and higher on a daily basis. As I said, more than 1,200 people were declared dead under the former government’s policies. None have died since we implemented turn-backs in December 2013.

The number of children held in detention is down under this government by 40 per cent and the downward trend is continuing. That is why we were elected to restore integrity to our borders.

Senator BACK (Western Australia) (14:28): Mr President, I ask a further supplementary question. Can the minister inform the Senate of the cost implications for the Australian taxpayer of restoring integrity to Australia’s borders?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:28): Under this government, more than $2.5 billion has been saved because we have stopped the flow of illegal boat arrivals to Australia. That compares to the $11 billion budget blow-out over a five-year period under the former government. By mid next year, under this government 10
immigration detention centres will have closed, and we will have saved the Australian taxpayer $88 million for the four closures announced at MYEFO and a further $283 million for the further six closures announced at the 2014-15 budget.

This is a government that recognises that it has a duty to the taxpayer to spend their money wisely. In that regard, every one of us on this side is doing their bit to clean up Labor's mess.

**Indigenous Affairs**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (14:29): My question is to Senator Fifield, the Minister representing the Minister for Social Services. I refer to a recommendation in the Forrest report for a 'cashless healthy welfare card', and to suggestions that it might continue income management in an expanded scheme. Is the government planning to continue income management with the so-called cashless welfare card? If so: to whom will it apply; how many people will be affected; and what are the time lines for its implementation?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:30): As Senator Siewert implies in her question, it is recognised that the Forrest review is a watershed moment in Indigenous affairs, and provides a strong framework for Indigenous reform. Many Indigenous leaders—as is well known—have supported the call for reform, including people like Marcia Langton and Noel Pearson and members of the Prime Minister's Indigenous Advisory Council.

Public consultations on the review—including town hall style meetings and roundtables with key stakeholders—have taken place around the nation. The government is considering future directions for the current income management program in light of the Forrest review and the review of Australia's welfare system.

The findings of evaluation reports on various trials of income management are expected to be finalised in coming months and will feed into the next steps. The government will look at options to streamline the program and improve effectiveness, including opportunities provided by emerging card technologies. The government is very committed to helping stabilise the finances and lives of the most vulnerable families and to reducing social dysfunction where it exists in some communities.

The government also announced in the budget that income management will continue in a number of existing trial sites until 30 June 2015 as well as being rolled out to the Ceduna region of South Australia for a one-year trial following positive community consultations.

There are currently over 25,000 people on income management in locations across Australia. I can indicate that evaluations have shown that income management has had positive impacts in meeting priority needs, reducing financial harassment and promoting socially responsible behaviour.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (14:32): Mr President, I ask a supplementary question. There is no evidence of a conclusion that income management is effective. What is the 'evidence' that the minister refers to that shows that income management works? Has the government received the final report of the evaluation of the new income management in the Northern Territory? If so, is it considering that as its so-called evidence?
Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:33): The most recent report—a review of child protection income management in Western Australia, released in March this year—shows that income management has helped families in Perth and Kimberley to buy essentials for their children and that it has contributed towards a reduction in violence and substance abuse—and their negative effects—and towards improving housing stability.

As I have indicated, it is the work of the Forrest review which will be taken into account—also the work of the other welfare review that is being undertaken. And obviously the government will consider any and all evaluations.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:33): Mr President, I ask a further supplementary question. Could the minister please answer the question as to whether the final report of the evaluation of the new income management has been received by the government? If it has—and even if it has not—will the government undertake to release that report as soon as possible so that that information is available to the public?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:34): I am not aware if the final report has been received, so I will take that part of the question on notice.

Higher Education

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:34): My question is to the Minister for Human Services, Senator Payne, representing the Minister for Education. Can the minister provide the Senate with any facts about the level of higher education fees under the government's proposed higher education reforms?

Senator PAYNE (New South Wales—Minister for Human Services) (14:34): I thank Senator Ruston for her continuing interest in this area of policy. The first thing I want to say and the single most important factor in this area is that under the Higher Education Loan Program no student needs to pay a cent up front and no-one needs to start repaying anything until they are earning over $50,000 a year. So the point is that higher education in Australia is and remains affordable and accessible for all.

But we have seen over recent months a quite irresponsible scare campaign, with sweeping claims that all students are facing extortionate fees. That scare campaign, which has come from some in this chamber—from those opposite, from members of the Greens, from the completely unrepresentative NTEU, the National Tertiary Education Union—unfortunately for them—

Senator Kim Carr: Name them! Come on, name them.

Senator Conroy: Name him!

The PRESIDENT: Order on my left!

Senator Cormann interjecting—

Senator PAYNE: The facts are going to get in the way of their good story—

Senator Kim Carr interjecting—

The PRESIDENT: Order, Senator Carr!
Senator PAYNE: Let's start with the University of Western Australia, one of Australia's four universities in the top 100 in the Shanghai Jiao Tong rankings. They have announced that their charge will be $16,000 a year for their undergraduate courses.

Senator Kim Carr: Up by nearly 300 per cent. Why don't you get that bit in?

The PRESIDENT: Senator Carr!

Senator PAYNE: I would like to use the words of UWA—those opposite are not interested in hearing the facts—

Senator Kim Carr: A 300 per cent increase. Not bad if you can get it.

Senator PAYNE: 'The University of Western Australia is offering future students the possibility to obtain a three-year undergraduate degree from one of the world's top 100 universities for under $50,000.'

Senator Kim Carr interjecting—

The PRESIDENT: Senator Carr!

Senator PAYNE: Mr President, perhaps it is disappointing for those opposite. Perhaps they really want to persecute Australian students. So they are disappointed that their scare campaign is not coming true. But in fact it is significantly less, in fact less than half, of the scare campaign they tried to run. *(Time expired)*

Senator Kim Carr: What does a law degree cost?

Senator Cormann: It depends how much you earn.

Senator Conroy: If you will just name him, he will stop interjecting.

Senator Cormann interjecting—

Senator Cameron: Get the Havana cigar out.

The PRESIDENT: Senator Cameron and Senator Cormann, you can go to the lobby and discuss this.

Senator Conroy: We will support that if it is a joint expulsion.

Senator Payne: I think Mathias has had better offers than that.

Senator Cameron: I have never been able to afford a Havana cigar.

The PRESIDENT: Order! Let's get back to question time, senators.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:37): Mr President, I ask a supplementary question. Can the minister inform the Senate of any other developments which disprove the scare campaign about students' fees?

Senator PAYNE (New South Wales—Minister for Human Services) (14:38): I also want to add to the observations I made earlier the announcement last week by La Trobe University, which indicated to students entering through their Aspire Program in 2015 that their fees will not increase more than 10 per cent above the regulated student contribution for each year of their degree. That will not make the level of the scare campaign of those opposite either.

The groups that represent universities have issued a number of public statements and they have issued modelling showing that universities can be relied upon to act responsibly in their setting of fees.

Senator Conroy: I can see pigs flying around the chamber!
Senator PAYNE: Apparently assurances from the Australian Technology Network, the Innovative Research Universities, the Group of Eight and the Regional Universities Network are worth nothing to those opposite. They mock them, they scorn and they run their scare campaign. But the truth is that the universities that have given fee guarantees to mid-year 2014 students include Deakin, Victoria, Griffith, Murdoch, UWS, Edith Cowan, Flinders University—\(\text{Time expired}\)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:39): Mr President, I ask a further supplementary question. Can the minister apprise the Senate of the implications of these and other developments to the debate on higher education reforms?

Senator PAYNE (New South Wales—Minister for Human Services) (14:39): I think the announcements from UWA, from La Trobe, from COPHE as well—their members and others—show that the scare campaign that those opposite have been trying to run about extortionately high-cost degrees is a complete myth. It has been blown out of the water by the facts that the universities are now presenting.

It was, as always when serious analysis is done, a scare campaign based on false assumptions. But serious commentators who gave serious consideration to the issues were much more measured. It would be an absolute travesty for students in this country if higher education reforms which, quite frankly, are essential for the future of the tertiary industry in this country, are adversely affected by false claims—by alarmist claims, frankly—that end up being completely false.

This morning, in a very considered piece in the Australian Financial Review, Belinda Robinson wrote, as the CEO of Universities Australia, 'There is a consensus of Australian universities calling on the Senate to support the government's higher education—' (Time expired)

Ginger Industry

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:40): My question is to Senator Abetz, representing the Minister for Agriculture. Australian farmers are the lifeblood of our land. They feed our country, employ many people and contribute to our economy. Despite this, your government is undermining the viability of our farmers.

The ginger industry is a thriving sector in Australia, comprising some 50 growers. Ninety-five per cent are based in Queensland and the majority are Australian owned and operated. Ginger growers generate some $32 million per year at the farm gate. In total, the industry generates around $80 million per year through fresh and processed food. The Australian Ginger Growers Association has just confirmed that your government allowed the importation of ginger into Australia from Fiji from August this year. Why has your government allowed the importation of fresh ginger into Australia, which will directly hurt hard-working Australian farmers? Will your government compensate farmers for associated financial loss?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:41): The Leader of the Palmer United Party in this place is absolutely right when he describes farmers as the lifeblood of Australia and our economy. Without farmers we would not have the foods that we rely on and basically take for granted each and every day. That is why I would call on the
Leader of the Opposition to stop demeaning agricultural workers and demeaning people who harvest potatoes, pick apples and pick the fruit that provide the meals that we as Australians rely on each and every day.

The assertion has been made by the Leader of the Palmer United Party in this place that we are somehow undermining the agricultural sector. Can I say we have deep respect to him that I reject that assertion? I reject that assertion absolutely. Indeed, the farmers of this country have a great champion in the Minister for Agriculture, Mr Joyce. Can I also indicate to the leader that the free trade agreements, so ably negotiated by Minister Robb with South Korea and with Japan, have provided a real boost for the agricultural sector, be it dairy, be it beef, be it sheep or be it horticulture—huge, huge gains. If we are in the marketplace of seeking to get free trade with other countries then we as a nation can build on one of our great strengths, and that of course is the agricultural sector.

In relation to imports of ginger from Fiji: I was not able to find any parliamentary brief in the folder in relation to that and I will take that part of the question on notice. But can I assure him that we as a government are committed to the agricultural sector. (Time expired)

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:44): Mr President, I ask a supplementary question. Not only would the importation of Fijian ginger into Australia hurt farmers, jobs and rural and regional Australia, Fiji is known to have roundworm, which reproduces inside the ginger. This pest is very destructive and could wipe out entire ginger crops, putting our entire ginger industry at risk. It can also affect other types of crops. Why does your government think this is an acceptable risk? Can you give a 100 per cent guarantee that the pest will not destroy our ginger crops or more across the other crops? (Time expired)

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:44): Can I clear up for the Leader of the Palmer United Party that it is not the government per se that determines whether a risk is appropriate or not; an independent risk assessment is made by scientifically qualified officials who make that determination. As I understand it, the final import risk assessment for fresh ginger from Fiji was released in January 2013—in fact, under the previous government—and a work plan was subsequently agreed with Fiji and the Department of Agriculture. I am further informed that the Department of Agriculture will inspect all consignments of ginger, and departmental officers will inspect a 600-unit sample of the ginger on arrival to ensure that no pests, diseases or soil are present. With those sorts of safeguards in place, the scientific advice is that the guarantees are in place. (Time expired)

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (14:45): Mr President, I have a final supplementary question. While the lifeblood of our land, our farmers, are continuing to deal with extraordinary hardships, they are the forgotten Australian battlers left to fend for themselves. It appears the government is more interested in putting the interests of other countries, including Fiji, ahead of the needs of Australia and our own farmers. Senator, will your government put up funds to combat an outbreak should the Fiji roundworm make its way into our crops?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:46): I have just indicated to the honourable senator that there will be an inspection to ensure that no pests, no
diseases and no soil are present. As I understand it, if those protocols are applied—and there
is no reason that they would not be or should not be—there should be the guarantee and the
protection that those learned in the sciences in these matters advise us.

In the event that a breakout were to occur—which of course would be something that we
would not want to see—I am sure the Queensland and Commonwealth governments would
work together in cooperation to ensure that anything that needed to be done would be done.
Having said that, there is no expectation or anticipation that there will be such an outbreak,
given the scientific evidence and the protocols that are being put in place based on that
scientific evidence. (Time expired)

Health

Senator BULLOCK (Western Australia) (14:47): My question is to the Minister
representing the Minister for Health, Senator Nash. I refer to the Australian Institute of Health
and Welfare, which has found that health expenditure in 2012-13 grew at its lowest rate in 30
years. Does the minister agree with the president of the AMA, Associate Professor Brian
Owler, that this 'makes a mockery of the government's claims that healthcare spending is out
of control'?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and
Assistant Minister for Health) (14:48): No, I do not agree with the comment by Professor
Owler. Those opposite might not realise that the AIHW report is actually a snapshot in time.
My understanding is that those figures were comparative to the previous financial year. It is a
snapshot in time. What it does not take into account is the long-term pressure on our health
system and the long-term pressure on our MBS. I have canvassed in this place before that it is
unsustainable. Ten years ago the MBS was $8 billion. It is now $19 billion and it is projected
to go to $34 billion. We are looking at health expenditure continuing to grow year on year at
around five per cent across the forward estimates.

So, rather than respond to a set of figures—that is, a snapshot in time—this government is
making the responsible decisions needed to ensure that we have a sustainable health system
into the future. Unlike those opposite, this government is making no apology at all for making
the appropriate decisions to ensure that we have a sustainable health system for the Australian
people into the future.

Senator BULLOCK (Western Australia) (14:49): Mr President, I have a supplementary
question. I refer again to Associate Professor Brian Owler, who says that these figures
actually show that healthcare spending is certainly not out of control and that there is
absolutely no need for the government to introduce a GP co-payment, let alone cut the
Medicare rebate by $5. Does the minister agree?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and
Assistant Minister for Health) (14:50): Professor Owler is entitled to his view. There is no
doubt that he is entitled to his view. This government, however, has the view that we are
going to make policy decisions based on evidence to ensure that we have a sustainable health
system into the future. Without policy change, health spending is projected to increase to
$110 billion by 2023-24. Indeed, it has increased 110 per cent in the last 10 years. Those are
the sorts of figures this government is going to take into account to ensure that we have a
sustainable health system into the future. Unlike the irresponsible decisions taken by the previous Labor government, we are going to ensure that the health system is sustainable.

Senator BULLOCK (Western Australia) (14:50): Mr President, I have a further supplementary question. Does the minister agree with Associate Professor Brian Owler that if we have a GP tax we are just going to have more patients ending up in our public hospitals and using up their resources?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:51): What I agree with is the fact that this government is taking the responsible decisions to ensure we have a sustainable health system into the future. I know I keep saying that, but clearly I need to keep indicating this to the chamber so that those opposite might start to listen. We have around 263 million free services currently being given. It is not sustainable. We are going to need to put in place the sensible decisions to ensure that sustainability. It is interesting that it was under the previous Labor government that we moved to a co-payment for the PBS. Clearly, those opposite, under the previous Labor government, realised that a co-payment was necessary for sustainability. This government is not going to make any apology for ensuring that we do the right thing by the Australian people and ensure a sustainable health system into the future.

Dementia

Senator WILLIAMS (New South Wales) (14:52): My question is to the Assistant Minister for Health, Senator Nash. Can the minister advise the Senate on current government funding for dementia research and how this funding can potentially reduce the rising trends and prevalence of dementia in Australia?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:52): I thank Senator Williams for his question. There are more than 320,000 Australians living with dementia, making it the third leading cause of death in Australia. Around 1.2 million Australians care for those 320,000 people diagnosed with dementia. By 2050, without a medical breakthrough, it is expected that dementia will affect nearly one million Australians and an untold number of carers. To put that in context, currently each week there are around 170 new cases of dementia in Australia. This is expected to grow to 7½ thousand new cases each week by 2050, which is a staggering statistic. That is a huge cost to the health sector. But, even more importantly, it is a huge burden on Australian people and families.

That is why this government has delivered on our election commitment to inject an additional $200 million over five years into research into the prevention and treatment of dementia. The government understands the crucial role of research into finding new treatment options, improved methods of prevention and early diagnosis, and ways to improve quality of life for patients diagnosed with dementia and their carers. This unprecedented $200 million investment will go a long way to help to curb the alarming rise in dementia in Australia by significantly scaling up dementia research across Australia, increasing the number of researchers focusing on dementia research and providing a vehicle for translating research efforts into patient care.
This government is committed to improving the lives of Australians affected by dementia and we have clearly demonstrated that commitment by fostering world-leading, patient focused research through this $200 million boost in dementia research funding.

Senator WILLIAMS (New South Wales) (14:54): I thank the minister for her answer. That is good news. Mr President, I ask a supplementary question. Can the minister update the Senate on how the government's funding of dementia research will put Australia at the forefront of dementia research?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:54): The government's $200 million funding boost for dementia research has several specific focuses. An NHMRC national institute for dementia research will be established to target, coordinate and translate the national research effort to bring about a future of better care for people with dementia. The institute will be a virtual one with a network of members to support it. The funding will also be utilised to urgently scale up the research effort through the funding of collaborative research projects, focusing on Australian and internationally identified dementia priorities. We also know that one of the pressing issues in dementia research is the workforce, and for this reason part of the $200 million funding boost will be dedicated to building capacity in the dementia research sector through the awarding of early career fellowships and postgraduate scholarships to attract more researchers into dementia research. These streams will work together to position Australia at the forefront of the international dementia research effort.

Senator WILLIAMS (New South Wales) (14:55): Mr President, I ask a further supplementary question. Can the minister advise the Senate how the government's boost to dementia research will help those who are diagnosed with dementia and their carers?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:55): Around 200 Australians per day will come in touch with either a diagnosis for dementia or will be a carer for a person newly diagnosed with dementia. That is a huge burden on Australian people and families. The increased investment in dementia research will help to speed up the process of finding treatments for those experiencing dementia and hopefully the finding of a cure. The $200 million funding boost will also speed up the translation of research into improved patient care and support, which in turn will help ease the burden currently placed on carers who are providing support to those suffering from this terrible disease. The government is proud of this record investment in dementia research and all Australians will look forward to breakthroughs that are achieved in this vital area of research.

Indigenous Affairs

Senator PERIS (Northern Territory) (14:56): My question is to the Minister for Indigenous Affairs, Senator Scullion. I refer to the minister's decision to cut over half a billion dollars from Indigenous programs and merge over 150 individual programs into five streams. Does the minister agree with the assessment by an officer of the Department of the Prime Minister and Cabinet who said, 'Staff are still unclear how the new program arrangements will be assessed and managed,' and that his takeover of Indigenous affairs is in disarray?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:57): This is what it has come to: an anonymous source, deep
in the Public Service, who has confessed that his or her department is in complete disarray. I am absolutely delighted to take this opportunity—

Honourable senators interjecting—

The PRESIDENT: Pause the clock. Order on both sides! Order on my left.

Senator SCULLION: As I was saying, I am delighted to report that, in terms of our department, not only is morale at an all-time high but they are absolutely delighted that they are now working for a government that has some absolute outcomes in mind. From those on the other side we inherited six years—when every single year the number of Aboriginal children going to school went backwards. Every single year it went backwards, to 10 per cent—less than when you started. We are absolutely determined to change that around. In terms of adults going to work, that went backwards. On communities being safer, I do not really have any statistics on that.

When they actually did make an investment, they invested $1.7 billion on ensuring that we did not have overcrowding. What happened? Absolutely nothing. The overcrowding is as bad as when they started. There was a complete mistake about SIHIP; a complete disaster on everything. Did we appoint an Aboriginal person? Did we have a legacy of smoke-signal apprentices? No. Their legacy is one of complete, abysmal failure. I can tell you that my department are delighted to work for a government that is actually getting something done.

Senator PERIS (Northern Territory) (14:59): Mr President, I ask a supplementary question. I refer to a joint statement by six leading Indigenous organisations who say: 'This environment is one of confusion and this is causing instability, anxiety and uncertainty. Despite requests for information from many of our organisations, there are few answers.' Is this the minister's quiet revolution in practice?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:00): I have written a letter to every single organisation that receives funding from this government. We have explained very carefully in that letter exactly how the AIS is going to work. So I am not sure where they got that information. You have got to be very careful with those utterances from the other side. A lot of Indigenous organisations have found themselves in a bit of hot water. As a consequence of a misleading media statement in regard to the Indigenous Tutorial Assistance Scheme, the Australian Indigenous Doctors Association put out a media release on the basis of what Labor had said. Since then, they have responded by saying they now welcome the comment from the Minister for Indigenous affairs indicating ongoing commitment to the Indigenous Tutorial Assistance Scheme. It is this sort of confusion from those on the other side that leads to the confusion in the public. It is completely unhelpful. (Time expired)

Senator PERIS (Northern Territory) (15:01): Mr President, I ask a further supplementary question. I refer again to comments by an officer of the Department of the Prime Minister and Cabinet that there are some funds for Indigenous education projects but this will be well short of demand. Is this correct? Isn't the minister's quiet revolution nothing more than an unmitigated disaster for Indigenous Australians?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:01): Another anonymous source deep in the department. I completely reject that one of my very hard-working staff would find the time to ring those on
the other side and suggest that it is all a terrible mess and our quiet reform is going nowhere. I can tell you right now what Aboriginal and Torres Strait Islander people are telling me. They are saying, 'Thank you very much, Mr Abbott, for the reforms getting our kids back to school.' Instead of going backwards in the Northern Territory we are going forward with an increase of 17 per cent of children going to school under this government who were not going to school under your government. I completely reject any inference that we are somehow in disarray. We are carefully and methodically ensuring that the lives of our first Australians are much better than they ever were under that lot on the other side.

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS
Family Violence Prevention Legal Services Program

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:02): I rise to provide further information to my answer given to Senator Peris on 27 August concerning the Family Violence Prevention Legal Services Program. This program, which now falls within Senator Scullion’s department, will be funded for 2014-15 by the Abbott government to the tune of $22.56 million for the delivery of those services. Efficiencies of $3.657 million, which I mentioned in my answer, between the current year and 2016-17 will be achieved from that program.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Indigenous Affairs

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

That the Senate take note of the answers given by the Minister for Indigenous Affairs (Senator Scullion) to questions without notice asked by Opposition senators today relating to funding for Indigenous programs in our country. I sought clarification and I quoted the budget papers, which say:

The government will achieve net savings of $534.4 million over five years through efficiencies resulting from the rationalisation of Indigenous programs, grants and activities administered by the Prime Minister and Cabinet and Health portfolios.

That is irrefutable. It says absolutely clearly in the budget papers that there will be net savings of $534.4 million over five years. That is why, again, Labor senators have asked how the minister can say, as he did on ABC radio recently, that there will be no cuts at all? He said it in here and he said it on the radio.

Senator Williams: Put it in context—

Senator McLUCAS: He did take the opportunity to put that into context, Senator. He did say 'to front-line services'. So where are the cuts? There are half a billion dollars in savings. So where are these cuts going to fall? They have got to fall on front-line services. I have said before that nobody—in particular, those in Aboriginal and Torres Strait Islander communities and services—believes him that there are going to be no cuts.
I then went to the issue of the Family Violence Prevention Service and asked the minister why he cannot guarantee that that program will be continued. This program has been providing services for 15 years. In 2013-14 they had 5,330 clients, 15,707 advices, 60 per cent were of major or medium complexity and 409 community legal education projects have been delivered. This service need some certainty. It needs to know what is going to happen at the end of this financial year. But more concerning is that this program—and the Attorney-General has just referred to this program—was transferred from the Attorney-General's Department to the Department of the Prime Minister and Cabinet. I am advised that the funding guidelines state that the government intends for much of the funding to be available through open competitive grant rounds—the minister actually confirmed that—which will open on 8 September. But as of 14 August this year, the Family Violence Prevention Legal Service has not been able to confirm that legal assistance services are even eligible under the guidelines.

This service needs some certainty. We need to know what will be provided to women and their children who are experiencing family violence into the future. We need to know not only for services to clients but also for continuity of staff. Everyone of us here knows that when an organisation is facing potential closure staff will always go and look for alternative employment. That is just a reality. So this minister needs to give these services some certainty and he needs to give it right now. That is why I asked him today: would he guarantee that the Family Violence Prevention Legal Service could be guaranteed funding after 30 June next year? He did not answer that question. He could not answer that question and he should be able to. These services and their clients need certainty into the future.

With respect to the program that has been operating for over 35 years in the Ballarat community, I asked the question: can you guarantee that this service will be able to provide health services to the Aboriginal community of the Ballarat region? He, once again, could not answer. He would not and could not guarantee that those services will continue. I call upon the minister: please take hold of your department so that these services can have some certainty into the future to provide the services that Aboriginal and Torres Strait Islander people so rightly deserve.

**Senator Ryan** (Victoria—Parliamentary Secretary to the Minister for Education) (15:08): Here we are today witnessing the latest in Labor's confected scare campaigns about the budget. Labor had two approaches before last year's election. Both were cruel. We have seen this right across the budget papers, but today we have seen it in a particularly cruel way. There was the first approach, which was Labor's magical mystery budget tour. They made all these incredibly large promises in the future, including in my own portfolio of education, some off the forward estimates, which were dramatically unfunded and they did this with the intention of later running these fear campaigns. They did it with the intention of making promises they knew they were never going to deliver not only because they were not confident going into the last election but also because they knew they never had a way of funding it.

Another plan that Labor adopted was kick the can along so they expired at the end of this financial year or they were kept going only for the first year of government, as they did in some other parts of the budget, providing no funding certainty whatsoever.
If the previous government cared about programs, they could have made them ongoing but they did not. They left these time bombs and landmines in the budget that actually meant, absent any activity from government on either side, the programs were expiring. In some cases there are good reasons for programs to expire. But right across this budget, the previous Labor government kicked the can down the road, as they did with programs like Youth Connections, and simply tried to pass the problem off to future governments. If they cared, they would have made the budget allocations ongoing. But they chose not to. And Senator Wong was the finance minister at that time.

Labor are seeking to make Indigenous affairs partisan. They cannot bear the fact that, under this Prime Minister and under this government, we have the most committed leadership to dealing with the problems in our Indigenous communities that this country has ever seen. We have a Prime Minister who is uniquely committed to improving the lot of Indigenous Australians. But Labor, stuck in the identity politics of the 1970s and 1980s, cannot cope with that, so they try to confect a partisan fight with misleading examples of budgets in order to create some partisanship. They cannot stand the idea that Indigenous leaders stand with this Prime Minister, a Prime Minister of a coalition government, of the Liberal Party, who actually say, 'We've finally got a leader who is dealing with the real problems in our community. We've finally got someone who is giving Indigenous Australians a unique level of attention.' Not only has he spent time with them as Prime Minister, including last week when he went up to Arnhem Land, but he has done it for a decade as a minister, when it was unheralded. We have a Prime Minister who is uniquely committed to improving the lot of Indigenous Australians.

But the Labor Party cannot cope with this. The Labor Party seeks to create partisanship here because it does not want this issue dealt with in this way. The Labor Party is also making its historic error of mistaking money for actually solving problems in communities. If money were going to be the solution to the challenges in our Indigenous communities, everyone in this parliament would agree that there would have been more improvement in recent decades. There are many reasons that are not related to money. We need complex solutions to deal with complex challenges in our Indigenous communities. I do not think any of those challenges are made easier when the Labor Party seeks to confect partisanship fights.

What is the truth of some of the issues raised today? The children and family centres are able to apply for funding through the Indigenous Advancement Strategy's funding round, which is currently open to applications. They are able to make applications for that. It would be inappropriate for the minister to provide answers before those funding rounds are closed. But the number that Labor throws around needs to be put in context. The number that Labor has thrown around does not affect frontline services. It is not over four years; it is over a longer period. It includes Public Service savings of staff in the public sector here through the rationalisation of programs into the Department of the Prime Minister and Cabinet. It includes programs right across government and the savings that come from there. This government is uniquely committed to Indigenous affairs.

Senator STERLE (Western Australia) (15:14): I look forward to making my contribution but before I do, through you, Mr Deputy President, it must be noted for all those poor devils having to sit out there and listen to some of the hyperbole that Senator the Hon. Scott Ryan is the Parliamentary Secretary to the Minister for Education. Do not go away, Senator Ryan!
You made some stupid statements and you should, at least, man up and cop the response. You would think that the parliamentary secretary would have some clue or some idea of what the heck he is talking about. I know what happened. He got tapped on the shoulder and told: 'Take notes; we don't know what on,' so he has to make it up as he goes. I have to tell the Senate—

Senator Williams: That's how you used to do it!

Senator STERLE: Yes, but I am good at it, Senator Williams—through you, Mr Deputy President. The National Partnership Agreement provided the capital funds for these centres to be built—these early childhood and family centres. In reference to education, one would think the Parliamentary Secretary to the Minister for Education would understand that Mr Andrew Forrest, in the Forrest report, identified the No. 1 issue in improving Indigenous disadvantage as making sure that Aboriginal kiddies get early childhood education. The funding, and these centres we were asking the minister about, all go to providing that opportunity for a quality early childhood education for Aboriginal kids in remote communities and—shock, horror!—to white kids, and Aboriginal kids, whose mums and dads work. The previous government, through the National Partnership Agreement, funded these centres. We worked extensively with the communities. Each centre is completely different because, as we progressed through the program, centres were changed and moved around after consulting with parents, allied health specialists and educators. I want to go back to the silly assertions made by the parliamentary secretary that this government cares about childhood and early childhood education: if you cared about early childhood education, you would continue to fund this vital education stream.

I haunt the Kimberley. To me it is a second home; it has been a second home since 1980 when I first started driving trucks through there. I know the disadvantage that is created in these remote centres. When you go to Fitzroy Crossing, the only childhood centre is the Baya Gawiy centre that we, the previous government, built. We funded it. We also funded them for administration costs to keep them going. We met with senior Aboriginal leaders in Fitzroy Crossing including June Oscar AO, who is one of the most respected Aboriginal people, a mother and a grandmother. She has made it very clear; she came out and said in The Australian newspaper—that left-wing oracle, The Australian; that is really tongue in cheek!—that if the Baya Gawiy children and family centre in Fitzroy Crossing closed it could 'end programs that prepared children for school entry, as well as feeding and caring for them, in a facility paid for from Closing the Gap funds.' It would be catastrophic. It would be absolutely disgraceful if this centre and other centres, like the Little Nuggets centre in Halls Creek, closed. The federal government has come out and clearly said: 'No more funding! It's all Labor's fault and the state governments' fault because they will not fund.' I beg and I plead that those opposite put down their stupid political arguments and concentrate, and think about what this could mean for Aboriginal kids and the children of workers in Fitzroy Crossing, Halls Creek and other remote centres throughout our great nation. If you take away their only childhood centre, what the heck do those parents do?

Let us not gloss it up. It is not all chocolates and flowers. I have visited these centres. You see children who are in these centres who not only have the ability to learn but are getting access to allied health. There is nothing more sad than seeing some of these kiddies—these little tackers—getting their first decent sleep. They are getting a decent sleep for an hour or
two where they know they are safe and cared for. This has nothing to do with the 'Prime Minister for Indigenous affairs'—how grand he is! If Mr Abbott was truly a champion of Aboriginal people we would not even be having this conversation. I would not have to come into this chamber and plead and beg to continue this vital funding program.

I am not playing politics. I am truly standing up for Aboriginal people who need this vital funding stream.

**Senator WILLIAMS** (New South Wales) (15:19): I would like to contribute to this debate. I, like Senator Sterle, spent some time in Aboriginal communities back in my days of driving trucks in the 1970s. It was interesting. We would go up to Yunta, out on the road to Wertaloona Station—Bob Wilson owned the property. Four or five trucks might pull up at two or three o'clock in the afternoon and settle down for the day, to load at daylight next morning. When we arrived at the station, there were two or three Aboriginal stockmen in the yards drafting cattle. It was hot and dusty and there they were with their horses tied up under the trees—great workers, great Australians and very proud of what they were doing.

Money does not solve problems. I will tell you what we did: we threw money at the problem. I doubt whether there are many Aboriginal Australians employed in the Flinders Ranges now on those stations. In fact, I took previous minister Mark Arbib out to Wilcannia, where I learnt of this disgusting situation: the average lifespan of an Aboriginal man in Wilcannia is 33 years. That is disgraceful. I ask this question of people: find me somewhere in the world that has an average lifespan of 33 years or worse. I do not think you could find one. This is what we have done.

I am saying this to Senator Sterle and others here: when it comes to passion about our First Australians, no one in this chamber has a greater passion for our First Australians than Senator Scullion, the Leader of the Nationals in the Senate. It is his passion and he is determined to do whatever he can to get best value for the taxpayer's dollar in assisting these people who need so much assistance. Education is the first thing, and I am very proud of what our minister is doing in relation to getting kids to school. Where are they going to go in this world without an education? What future do they have? Sure, there are traditional jobs out there, and a great history and culture, but we have to help these people get jobs and the first part of that is education. Mr Deputy President Marshall, you know full well we inherited a budget mess. We inherited $320 billion of gross debt when we were won government on 7 September last year. A billion rolls off the tongue pretty easily, doesn't it? One million and one billion—let us just focus on those amounts. Put that figure into seconds: one million seconds in time is 11½ days. In 11½ days we go through a million seconds. One billion seconds in time is 31.7 years. There is a big difference between one million and one billion, and we are talking billions.

The IAS, the Indigenous Advancement Strategy, is a major refocusing of Indigenous funding, streamlining over 150 programs and services from eight government departments—I repeat: eight government departments—into just five streams. These are: (1) jobs, land and economy; (2) children and schooling; (3) safety and wellbeing; (4) culture and capability; and (5) remote Australian strategies. Together they constitute the $4.8 billion Indigenous Advancement Strategy or IAS—a most important scheme.

To say that that is being cut—well, for Senator McLucas, I will put it into context. Those front-line services are not being cut. We do have a budget problem. Every Australian realises
we have a budget problem. We inherited that budget problem from you, the financial messes on that side of the chamber, who have a history, a legacy, of sending the place broke, whether it be the state of Queensland, Victoria in the late eighties, South Australia, Western Australia or Tasmania—you name it, that is your legacy of spending money and borrowing up to the hilt.

We have to make every dollar count. That is what our Indigenous affairs minister, Senator Scullion, and the Prime Minister, Mr Abbott, are making their utmost and best effort to do: to make sure that the dollars get to the forefront so that we get the education, the health and the exercise, and so that we especially look after those in very remote areas who need so much assistance.

The claim that the Family Violence Prevention Legal Services are not eligible for funding under the government's Indigenous Advancement Strategy is incorrect; they can apply, and I encourage them to do so. I will repeat that: the claim that the Family Violence Prevention Legal Services are not eligible for funding under the government's Indigenous Advancement Strategy is incorrect; they can apply, and I encourage them to do so.

The Indigenous Advancement Strategy funding round opened on 8 September and will close on 17 October. Time restricts me from going on, but I will say that to make this a political issue, a partisan issue, is simply wrong, and it is those opposite trying to get political points.

Senator PERIS (Northern Territory) (15:24): I also rise to take note of answers given by Senator Scullion to questions without notice. I will firstly say that I think it was fantastic that our Prime Minister went out to East Arnhem Land and spent some time there with the Yolngu people. However, in saying that, a lot of people in the Northern Territory would know that, whilst Yirrkala and the Yolngu people certainly have their challenges, it is not as challenged a community as most others. Next time I would recommend that the Prime Minister go to a community called Whitegate, which is just 10 kilometres outside of Alice Springs, where the mates of this government have turned off the water to the Aboriginal people of that community, to remove them from their country.

I want to ask the question: what did the Prime Minister learn on his trip to Arnhem Land? There was never any mention of the reversal of these half-a-billion-dollar cuts. A couple of weeks ago, I went to a childcare centre with our leader, Bill Shorten—Bubup Wilam childcare centre. That childcare centre told Bill Shorten and me that it is in need of $500,000—$500,000 that will keep 80 Aboriginal kids at school, in early childhood education. What we are saying is: you have seen the Twiggy Forrest report where they talk about the importance of early childhood education; what this government is doing is denying one of the most basic, most fundamental human rights of every child—that is, access to early childhood education. There are 38 of these centres around this country that are clearly underfunded.

I will now turn to the North Australian Aboriginal Justice Agency, a legal centre in East Arnhem Land. That service will close its doors, which means that we are going to continue to incarcerate Aboriginal people at an absolutely disgraceful level. This country should not be proud of its history. And when you hear the people on the other side, those in this government, talk about funding and money and all that sort of thing, think: it is $350 a day to keep an Aboriginal man or person in jail—$350 a day. It is $200,000 a year to keep an Aboriginal kid in a juvenile detention centre. We are asking for half a million dollars to keep
80 Aboriginal children in a facility that will allow them to grow and to appreciate the value of education in this country.

The minister today said that everyone was delighted with his decisions. I do not know who he is talking to, because that is certainly not the case. I, as an Aboriginal woman, speak to a lot of people, day in day out, and Aboriginal people are hurting. They are hurting, every single day, because people are confused. You come up with an Indigenous advancement strategy and you ask Aboriginal people to go and compete in an open tender. You could have a person in New South Wales delivering a service to a remote community that was never even consulted, without setting foot in that community. This whole system is unfair.

We have a Prime Minister who says that he wants to be the Prime Minister for Aboriginal Australians, but he has not done one single thing that has been of positive effect for Aboriginal people in this country. And we should not stand by and think that Australia is a country full of opportunities and we are about advancing the cause, because it is just not true.

As to the cuts to the Family Violence Prevention Legal Services: an Aboriginal woman in the Northern Territory is 80 times more likely to be hospitalised through assault, and cutting this service will see that go through the roof. Everyone says, 'I've been to this community; I've met Aboriginal people.' Well, guess what? Until you are an Aboriginal person, you do not know what it is like. I can put my hand on my heart and say I know that my people across this country are hurting. If the minister were fair dinkum—he says he understands Aboriginal people—he should know that levels of chronic disease in this country are unacceptable and the only way to combat that is to invest in primary health care. Primary health care is the one-stop shop where someone goes to an Aboriginal medical service. He says that he is doing all the great things. Well, guess what, Minister? Thirteen Aboriginal people from World-Heritage-listed Kakadu National Park, where he is running around trying to get people to sign over their leases, have lost their jobs, including rangers, due to the government budget cuts. It will do harm to other gainful employment skills. All gone; kaput.

Question agreed to.

The DEPUTY PRESIDENT: Are there further motions to take note of answers?

Income Management Proposals

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:29): I move:

That the Senate take note of the answer given by the Assistant Minister for Social Services (Senator Fifield) to a question without notice asked by Senator Siewert today relating to income management proposals.

It is quite obvious that the government does intend rolling out this card. It is nothing short of an extension of income management—make no mistake about that. The idea is that the whole of someone's income will be subject to this so-called cashless card. Let's just skip over the bit about how taking away the decision making over the whole of someone's income disempowers them and the fact that cash plays an essential part of the economy in low-income communities, particularly Aboriginal communities, and let's look at the evidence the minister has used to say that this works: it was written in the Twiggy Forrest manifesto, so it must work! What a lot of nonsense—a billionaire has some thought bubbles and all of the sudden that is evidence that income management works, completely ignoring the reports and evaluations that show that it is not working and completely ignoring the question, or the
The minister was unable to provide an answer, as to whether the final report on the evaluation of the new income management has actually been submitted to government and whether the government has taken those recommendations or comments on board, whatever they may be. If it is anything like the first evaluation report of the new income management, it certainly did not show that income management is a glowing success or that it is worth the millions and millions of dollars expended on it.

The cost per person of income management is astronomical. Twiggy Forrest's report says that we should get the banks to do this not the government. Are banks going to do it for nothing? I do not think so. Will it cost the government or the person receiving the 'pleasure' of being income managed—in other words, those on the lowest incomes, the most vulnerable members of our community? The government did not answer my question as to who they are thinking they will roll it out to? But a media report—obviously, again, based on sources from the government—says that it could be rolled out to at-risk people, to the long-term unemployed—as if just because you are long-term unemployed you cannot manage your money—to jobless families and to some young people.

This is to ensure spending is on a healthy lifestyle. There is no evidence to suggest that income management does lead to a healthy lifestyle for a start. Who will make the decisions on what are essential services, what are essential goods and what is a healthy lifestyle? Will the banks do that? Will a government bureaucrat do that? Will Twiggy Forrest do that since he has, apparently, this brilliant idea about a healthy welfare card and rolling it out to people so that they can have a healthy lifestyle?

Income management is degrading and humiliating to people. Those are not just my words; those are the words used by people who are being income managed. When the Howard government originally came up with income management, the whole idea was that it would assist people to learn how to manage their money and then they would be moved off income management. More than seven years later, those same people who have been subject to the humiliating and degrading income management are still being income managed. It has cost thousands of dollars per person. Over those seven years, imagine how we could have spent that money and how we could have actually assisted people to overcome the barriers to employment and the disadvantage that they are suffering. If we had invested that money in positive incentives to help people instead of penalising people, I think we could have addressed some of the issues we are still dealing with. We could have put in place positive incentives instead of the cuts that are now being made, in particular to programs that support Aboriginal and Torres Strait Islanders.

This healthy welfare card will not assist people out of disadvantage. It will not assist people to find employment. It is degrading to people to imply that just because they have not been able to find a job that they cannot manage their money. Income management entrains dependency. It does not encourage people to take control of their own decision making. It will become yet another barrier to employment. This is a ruse to rollout income management across the whole of Australia, to anybody on income support—make no mistake about it. That is what this government is considering. They are considering an extensive rollout. (Time expired)

Question agreed to.
PETITIONS

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

Cyberbullying

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

The petition of the undersigned shows:

that the recent bullying-related death of 15 year-old Chloe Ferguson has led to a public outpouring of grief and concern, with many others coming forward to speak out about the devastating effects of bullying, including cyberbullying, in their own lives and the lives of their children and grandchildren.

Over 271,000 people have joined an online community calling for stricter anti-bullying laws and enforcement of those laws as part of a determined approach to addressing the ongoing problem of bullying. In addition to the signatures on the petition presented here, more than another 29,000 people have also signed non-conforming petitions, calling for review of Australia's anti-bullying laws (over 19,5000 on GoPetition: Chloe's Law - Bullying a crime punishable by law and over 9,500 on change.org: Australian Government: Introduce anti-bullying laws in Australia).

There is clearly strong community support for law reform in relation to bullying in general, and cyberbullying in particular.

The call from the community for action on this issue is supported by the research findings of Dr Colette Langos of the School of Law, University of South Australia, whose doctoral thesis considers the merits and constraints of enacting a specific criminal cyberbullying offence (Colette Langos, 'Cyberbullying, associated harm and the criminal law' (PhD Thesis, University of South Australia, 2013). Dr Langos has drafted model cyberbullying legislation which aims to criminalize only the most serious manifestations (forms) of cyberbullying, thereby minimizing over-criminalization, and we commend her work to the members of the Senate and any committees or inquiries that may result from this petition.

The signatories to this petition believe that Sections 15 and 17 of Division 474 of the Schedule of the Criminal Code Act 1995 (Cth) provide critical tools for the regulation of cyberbullying, capturing some behaviour that may not be adequately captured by state laws. Since s 474.17 of the Schedule of the Criminal Code Act 1995 (Cth) requires the perpetrator to be aware that there was a substantial risk the conduct would be considered menacing, harassing or offensive and that the perpetrator is unjustified in taking that risk, we believe there is educative, normative and legal value in the incorporation of a legal definition of cyberbullying into Division 474.

Petition Text:

Your petitioners therefore ask that the Senate:

1. act to include a definition of cyberbullying into Division 474 of the Schedule to Criminal Code Act 1995 (Cth);

2. create a specific offence of cyberbullying under Division 474 of the Schedule to Criminal Code Act 1995 (Cth), or any other appropriate legislation, to regulate the most harmful forms of cyberbullying in a clear and comprehensive manner;

3. and take all other possible actions to regulate, prosecute and educate against bullying in all forms, and cyberbullying in particular.

From Senator Abetz (from 48,137 citizens).

Cyberbullying

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

The petition of the undersigned shows:
that the recent bullying-related death of 15 year-old Chloe Ferguson has led to a public outpouring of grief and concern, with many others coming forward to speak out about the devastating effects of bullying, including cyberbullying, in their own lives and the lives of their children and grandchildren.

There is strong community support for law reform in relation to bullying in general, and cyberbullying in particular. Your petitioners therefore ask that the Senate:

1. act to include a definition of cyberbullying into Division 474 of the Schedule to Criminal Code Act 1995 (Cth);
2. create a specific offence of cyberbullying under Division 474 of the Schedule to Criminal Code Act 1995 (Cth), or any other appropriate legislation, to regulate the most harmful forms of cyber bullying in a clear and comprehensive manner;
3. and take all other possible actions to regulate, prosecute and educate against bullying in all forms, and cyber bullying in particular.

From Senator Abetz (from 240 citizens).

Petitions received.

NOTICES

Presentation

Senator Fifield to move:
That—
(a) so much of the standing orders be suspended as would prevent the succeeding provisions of this resolution having effect;
(b) on Wednesday, 24 September 2014, the business of the Senate notice of motion proposing the disallowance of the Fair Work Amendment (Protected Industrial Action) Regulation, standing in the name of Senator Rice, for that day be called on no later than 6.15 pm; and
(c) if consideration of the motion listed in paragraph (b) is not concluded at 6.30 pm, the questions on the unresolved motion shall then be put.

Senator Whish-Wilson to move:
That the Senate—
(a) notes:
(i) the recent International Whaling Commission (IWC) meeting passed a resolution instructing members to have their future scientific whaling programs assessed by the Commission, and
(ii) the Japanese Government has indicated it will ignore this resolution and recommence a lethal ‘scientific’ whaling program in the Southern Ocean in 2015; and
(b) calls on the Japanese Government to:
(i) respect the IWC motion and not to recommence a lethal ‘scientific’ whaling program in the Southern Ocean in 2015, and
(ii) join the Southern Ocean Research Partnership, a ten nation Southern Ocean non-lethal whale research program.

Senator Wright to move:
That the Senate—
(a) notes recent analysis by Mr Chris Bonnor and Mr Bernie Shepherd, which demonstrated that inequality between the most advantaged and disadvantaged schools has grown since the Gonski Review was completed in 2011;
(b) recognises the Commonwealth Government’s decision to proceed with only the first 4 years of the Gonski school funding arrangements falls far short of the investment needed to reverse systemic disadvantage and deepening inequality; and

(c) calls on the Government to prioritise the reduction of inequality in Australian schools.

Senator Rice to move:

That the Senate—

(a) notes:

(i) the recent release of the G20 finance ministers report on leading practices to promote and prioritise quality investment, particularly in infrastructure,

(ii) the emphasis this report places on rigorous, transparent and consistent infrastructure project preparation,

(iii) that this reflects priorities set out in the 2013 National Infrastructure Plan, which promotes public investment in public transport, and

(iv) that this raises concern that the $3 billion in federal funding committed toward the proposed East West Link project does not uphold the principles set out in these reports; and

(b) calls on the Government to redirect the $3 billion of Commonwealth funds allocated for the proposed East West Link to public transport in Victoria.

Senator Brandis to move:

That the following bill be introduced: A Bill for an Act to amend the law relating to counter-terrorism and other matters, and for related purposes. Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014.

Senator Hanson-Young to move:

That the Senate calls on the Government to heed the request of the United Nations and provide increased humanitarian assistance in the Middle East by offering and preserving asylum space for Syrians and Iraqis and supporting the neighbouring countries hosting them.

Senator LEYONHJELM (New South Wales) (15:35): Pursuant to standing order 78(1), I give notice that, at the giving of notices on the next day of sitting, I shall withdraw business of the Senate notices of motion Nos 1 to 3 standing in my name for the next day of sitting, proposing the disallowance of the following regulations relating to hard onions, mangoes and mushrooms: (1) Primary Industries (Customs) Charges Amendment (2014 Measures No. 1) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 54 and made under the Primary Industries (Customs) Charges Act 1999; (2) the Primary Industries (Excise) Levies Amendment (2014 Measures No. 1) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 55 and made under the Primary Industries (Excise) Levies Act 1999; and (3) the Primary Industries Levies and Charges Collection Amendment (Mushrooms) Regulation 2014, as contained in Select Legislative Instrument 2014 No. 56 and made under the Primary Industries Levies and Charges Collection Act 1991.

I seek leave to make a short explanatory statement.

Leave granted.

Senator LEYONHJELM: I gave notice of an intention to move a disallowance motion regarding the government's proposed increase in levies for onions, mangoes and mushrooms because such tax deserves scrutiny, support from the majority of levy payers in each of these industries was missing and the levy system is in need of reform. Following this, the
government has agreed to the Senate inquiring into the structures and systems governing the imposition of and disbursement of marketing and research and development, R&D levies, in the agricultural sector, with particular reference to the opportunities levy payers have to approve and reapprove the imposition of levies. Subject to the government acting on the results of this inquiry in good faith, this should ensure that if the levies for onions, mangoes and mushrooms are not supported by the majority of levy payers they will not continue. Given this, I will withdraw the notices. I will continue to scrutinise proposals to increase agricultural levies and welcome concerns from growers about any such proposals.

Withdrawal
Senator MOORE (Queensland) (15:37): I seek to withdraw general business notice of motion No. 414 in the name of Senator Conroy.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee Meeting
Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:38): by leave—On behalf of the chair of the Legal and Constitutional Affairs Legislation Committee Senator Macdonald, I move:

The Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday 24 September 2014 from 3.15 pm.

Question agreed to.

BUSINESS
Leave of Absence
Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:38): by leave—I move:

That leave of absence for personal reasons be granted to Senator Urquhart and Senator Polley for today, 23 September 2014.

Question agreed to.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:39): by leave—I move:

That leave of absence be granted for Senator Whish-Wilson and Senator Milne on the grounds that they have to attend a funeral.

Question agreed to.

NOTICES
Postponement
The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Dastyari for today, proposing the disallowance of items 1 to 27 inclusive and item 30 of the Corporations Amendment (Streamlining Future of Financial Advice) Regulation 2014, postponed till 24 September 2014.

Question agreed to.
COMMITTEES

Education and Employment Legislation Committee

Meeting

Senator McKENZIE (Victoria) (15:39): I move:
That the Education and Employment Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 23 September 2014, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Higher Education and Research Reform Amendment Bill 2014.

Question agreed to.

Joint Standing Committee on National Capital and External Territories

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:40): On behalf of Senator Brown, I move:

That the Joint Standing Committee on the National Capital and External Territories be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, as follows:
(a) Thursday, 25 September 2014;
(b) Thursday, 2 October 2014;
(c) Thursday, 30 October 2014;
(d) Thursday, 27 November 2014; and
(e) Thursday, 4 December 2014.

Question agreed to.

Joint Standing Committee on Electoral Matters

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:40): On behalf of Senator Faulkner, I move:

That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 24 September 2014, from 9.45 am to 11 am.

Question agreed to.

Joint Standing Committee on Foreign Affairs, Defence and Trade

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:40): I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, from 11 am to noon, as follows:
(a) Wednesday, 24 September 2014; and
(b) Wednesday, 1 October 2014.

Question agreed to.
Select Committee on Health

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:40): On behalf of Senator O’Neill, I move:

That the Select Committee on Health be authorised to hold a public meeting during the sitting of the Senate on Thursday, 25 September 2014, from 3.30 pm to 4.30 pm.

Question agreed to.

MOTIONS

Dementia

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:39): I move:

That the Senate—

(a) notes:

(i) the arrival of Ms Libby Day at Parliament House on 22 September 2014, after cycling more than 800 kilometres from Melbourne in eight and a half days to raise money for dementia research,
(ii) that 21 September 2014 marked World Alzheimer’s Day 2014,
(iii) that September 2014 is Dementia Awareness Month, and
(iv) that 332,000 Australians are currently affected by dementia; and

(b) urges federal, state, territory and local governments to work to support efforts to build more dementia-friendly communities and foster inclusion and participation for those people affected by dementia.

Question agreed to.

Mining

Senator WATERS (Queensland) (15:41): I move:

That the Senate—

(a) notes that:

(i) at four minutes to midnight, at 11.56 pm on Tuesday, 9 September 2014, the Queensland Government moved a last minute amendment to the Mineral and Energy Resources (Common Provisions) Bill 2014 (Qld) which removed the legal right for anyone to object to massive coal and uranium mines in Queensland on environmental grounds,
(ii) the bill was passed by the Queensland Parliament one minute later, at 11.57 pm,
(iii) before being introduced, that last minute amendment had never been publicly announced, and
(iv) as a result of the last minute amendment no one, including landholders, neighbours or local councils will be able to object to the environmental effects of ‘coordinated projects’ which are the biggest mining projects in Queensland; and

(b) calls on the Queensland Government to restore Queenslanders’ rights by repealing all offending parts of the Mineral and Energy Resources (Common Provisions) Bill 2014 (Qld).

Question agreed to.
 Certain Aspects of the Queensland Government Administration Related to Commonwealth Affairs—Select Committee Appointment

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (15:42): I seek leave to amend general business notice of motion No. 418 standing in my name relating to the establishment of the Select Committee on Certain Aspects of the Queensland Government administration related to Commonwealth government affairs.

Leave granted.

Senator LAZARUS: I amend the motion in the terms circulated in the chamber and ask that it be taken as formal.

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

An honourable senator: Yes.

The PRESIDENT: Leave has been denied.

Senator LAZARUS: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Lazarus moving a motion relation to the conduct of the business of this Senate, namely a motion to give precedence to a motion circulated in the chamber to establish a select committee on certain aspects of the Queensland government administration.

The PRESIDENT: You have five minutes to speak on the motion.

Senator LAZARUS: The Australian Constitution states that there must be a clear separation of powers between the parliament, the executive government and the judiciary in Australia. The separation of powers and functions ensures no single body is able to exercise total authority or to misuse power. This system is considered to be one of the fundamental elements of a fair, democratic and honest government.

In Queensland our parliament consists of one house, the lower house. There is no upper house to provide the critical checks and balances needed for open, representative and transparent governance in parliament. Over the last 18 months, serious issues have been raised across the community regarding Queensland government appointments, judicial appointments, project approvals, use of funds, policies and practices, environmental degradation and various other matters. In fact, on 9 September, at four minutes to midnight, the Queensland government introduced a last-minute amendment to the mineral and energy resources bill to remove the legal rights of land owners to object to mining projects being undertaken on their land. The Commonwealth allocates funds to the state of Queensland and Australian taxpayers need and deserve clarification in relation to the appropriate use of these funds by the Queensland government. The Commonwealth has an obligation to ensure that funds are being used appropriate purposes. The select committee will consult with the Queensland community to undertake these assessments. It is for this reason the chamber must ensure that this motion is established and a select committee on certain aspects of Queensland government administration be considered. Standing orders must be suspended to enable this to happen.
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:46): It is a disappointing matter that we are discussing the potential of a highly unprincipled motion which seeks to breach some very fundamental parliamentary procedures and conventions. For those who are entertaining the adoption of the motion, I simply draw their attention to page 77 of Odgers where it is very clearly set out:

The Select Committee on the Victorian Casino Inquiry presented a report … it had decided not to continue its inquiry because of advice provided by the Clerk of the Senate and by Professor Dennis Pearce in relation to limitations on the Senate’s powers to compel evidence from state members of parliament and other state office-holders.

That was a determination made by the Clerk of the Senate in response to a letter I wrote to the clerk on 14 August 1996. Not very long ago in this place we heard about this clerk having always stood to protect the integrity and reputation of this chamber. In his letter to me of 15 August 1996 he made it very clear. ‘As a matter of law the power of the Senate to compel the attendance, amongst other matters, of state officials is another reason for Senate committees not seeking to summon such persons.’ His advice of 1996 is as true today as it was all those years ago. Just in case you think the 1996 view as expressed by the then clerk was wrong, he gave us a learned paper entitled The Senate’s power to obtain evidence, where again he refers to his advice in relation to the Victorian casino inquiry.

I can understand, with great respect, Palmer United, without much experience in this chamber, thinking this might be a good idea, but the Australian Labor Party knows, as a principle called comity, that this is a dangerous track to walk down. It has been tried by this Senate before, in 1996 with the Victorian casino inquiry. That attempt fell flat on its face because of what we know to be the legal principles involved. So I especially call on the Australian Labor Party not go down this route. Once parliament starts investigating other parliaments, or indeed one house starts investigating another house, you could have the ludicrous proposition of the Queensland parliament playing the same game, having an inquiry into a certain matter and then technically, when we as federal politicians arrive in Queensland, the Queensland state government could use its law enforcement agencies to pull us off the streets of Queensland, to bring us before the bar of the Queensland parliament to give evidence. Is that what we want to do, to set that precedent? It is a farce. That is why this convention, which dates all the way back to the United Kingdom and the Westminster system, is very clear. If you want the tit for tat where the parliaments of Australia can act against each other, that would turn this show into a farce.

I can understand that the Palmer United Party does not have long-term experience in this area, but I know that Senator John Faulkner does and I know that Senator Penny Wong does. That is why, in the event the suspension of standing orders get passed, my friend and colleague Senator will move an amendment to the substantive motion to delete 26 March 2012 and insert 21 March 2009, and then let us see whether the Labor Party are willing to support that amendment and whether Palmer United are willing to say that this is not a vendetta against Mr Newman but against all Queensland governments, that they want to see that the money has been responsibly spent. That will test the integrity of those opposite but my greatest disappointment is with Labor. (Time expired)
Senator MOORE (Queensland) (15:51): We will be supporting the Palmer proposition. We believe that this is a house of review and we also respect the rights of all senators to propose inquiries. All senators have the ability to seek advice about the actions they are taking and in terms of letting the process follow through in terms of what has happened. Remember, Mr President, I have been a party to a number of inquiries put forward by this Senate reviewing the Queensland government’s actions. In fact, several years ago I was a member of an inquiry that looked at a Queensland government decision to have amalgamations of local government centres. This inquiry was put forward by the then government—as we have now. They incorporated a number of senators and we put forward an inquiry on which I sat. For several months we looked at the issue of amalgamation of local government councils in Queensland under the Queensland government legislation.

We also did an inquiry—which I was again privileged to be part of—looking at the issues around the creation of the Traveston dam in Queensland. Again it was a motion put forward in this place by Queensland senators. We went to Queensland and had a range of inquiries there on the issue under the Queensland government—

Senator Ian Macdonald: Commonwealth legislation. It was the EPBC Act!

Senator MOORE: It actually did have a link to the federal government, I take your point, but the issue was around actions of the Queensland government. So, in terms of the process, we have a proposal here that is looking at actions that are happening in the Queensland government currently. We believe that this inquiry will be able to continue. Of course, it will be taking advice as it continues about appropriate processes to take part and also what issues would be important in the proceedings of said inquiry. That happens as we go through the process. Labor will be supporting this proposal. We will continue working in this way and we will see how it goes.

A government senator interjecting—

Senator MOORE: A technical term, Senator. We will look at what happens and the procedures will be taken care of as it operates. We will be supporting the Palmer proposal.

Senators BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:53): Senator Lazarus, the motion that you have moved is unlike any motion that has ever been moved in the 113-year history of the Senate. And there is a reason for that, Senator Lazarus. The reason is that the motion is a gross abuse of the power of the Senate. You seek to justify it by saying, ‘There have been inquiries before into a variety of topics that bear upon the jurisdiction of the states.’ That may be so, but what this motion seeks to do— unlike the motions to which you have made reference—is to have a comprehensive inquiry into the entire administration of the government of a state. As you well know, Senator Moore—you are visibly embarrassed to have been traduced into supporting this motion—that is an abuse of the process of the Senate.
The device of this motion is, in seven paragraphs, to find a tenuous link between a Commonwealth interest and a state policy. So tenuous are some of these interests that they are non-existent. Take, for example, subparagraph (b):

The administration of the Queensland courts and judicial system insofar as it relates to cross vesting arrangements, with particular reference to judicial independence and separation of powers;

In the first place, that is an invitation for the Senate to have an inquiry into the entire judicial arm of the Queensland government. Secondly, just by the way, the tenuous link insofar as it relates to cross vesting arrangements is incompetent, because the cross vesting arrangements were struck down by the High Court in Wakim's case as long ago as 1999. So the motion as framed is incompetent, apart from being an abuse of process.

We know where this comes from. We know it comes from the member for Fairfax's vendetta against the Queensland government and we know the commercial interests he seeks protect. And we must wonder why it is that he has put up those senators, whom he controls, to perpetrate upon the Senate the imposition of creating a constitutionally improper inquiry to serve his commercial interests and to prosecute his political vendettas. If there were to be any doubt about that, when is the reporting date of this vaunted inquiry? The reporting date is 'on or before 31 March 2015'—just by coincidence, the expected date of the next Queensland state election.

Then we see the composition of the committee. It has always been the practice of this Senate that the composition of Senate committees should broadly reflect the political composition of the chamber. Mr President, do you know how many government senators there are to be on this committee? There is to be one. There are 76 senators, 33 of them are government senators, but there is to be only one government senator on this inquiry. That is a violation of the bases upon which Senate inquiries are constituted.

Might I close by referring, as my leader did, to advice by the distinguished former Clerk, the late Harry Evans. When something—though on a much more modest scale than this—was contemplated in 1996, Mr Evans said: 'If the matter were litigated, the High Court would be likely to have regard to the possibility of the system of government being brought to a halt by the Commonwealth and state houses establishing inquiries into overlapping subjects and summoning a large number of each other's officers. The same officers could be summoned by different houses to appear at the same time. An implied immunity might well be seen as necessary to preserve the system of government itself. In any event, the undetermined legal question is less important than the matter of comity between the houses of parliament and between the Commonwealth and the states. It is a parliamentary rule that houses do not summon each other's members and officers. (Time expired)

Senator WATERS (Queensland) (15:59): The Queensland government is infringing on civil liberties. It has left thousands of public servants jobless, and it is attacking our environment left, right and centre. There is a real and urgent need to look into the actions of the Queensland government, and that is why the Greens are supporting this inquiry.

The Greens are pleased to have ensured that the inquiry's terms of reference now include specifically Premier Newman's numerous attacks on the environment. Premier Newman has rolled back state protections for native vegetation, for coastal areas, for wild rivers; he has allowed grazing in national parks and logging in areas earmarked for conservation.
Just this month, a few weeks ago, the Queensland government passed a bill through the state parliament—at four minutes to midnight—without any public announcement or parliamentary debate and moved a motion to that effect, which this Senate has condemned. The bill removed the right of anyone—landholders, neighbours, environment groups—to object to the environmental impacts of coordinated projects, the biggest mining projects in Queensland.

The Queensland government is trying to silence the community in order to let the big mining companies run riot. The Queensland government has consistently put the big mining companies ahead of the people of Queensland. This is why it makes no sense for the Abbott government to be trying to hand off environmental federal approval powers to the Queensland government or to other state governments. Australia's most iconic natural places and wildlife must have national protection.

The Greens will also make sure with the inclusion of those additional terms of reference that the inquiry also examines the regulation of Mr Palmer's businesses, including his proposed mega coalmines and his Yabulu nickel refinery, which threaten the climate and the reef.

Senator IAN MACDONALD (Queensland) (16:01): Those listening to this may not be aware that this debate at this time is on why standing orders should be set aside to deal with this motion today. There has been no argument advanced by anyone on the other side as to why this is an urgent matter to be dealt with today and not in the normal course of events.

I must say, the thought of an inquiry into Queensland has its appeal. I think the first witness would be Hedley Thomas from The Australian. If this goes ahead I will make sure that Mr Thomas is suggested as a witness, because I am sure he could contribute a lot under parliamentary privilege. We would also perhaps have an investigation into the Cayman Islands situation and just which prominent Queensland business people might have associations with Cayman Islands, and where certain aircraft are registered. Perhaps the committee will get a trip to Cayman Islands.

I notice with interest that the mover of the motion is appointing himself as president of this committee. Senator Lazarus, if your salary is in such need of topping up that you have to put yourself as chairman of a committee, you will have to get rid of your two-door Mercedes that I see you park in the Senate car park.

I have been in this chamber a very long period of time and I have never seen anything as outrageous as this particular motion.

Senator Moore—and I know she is embarrassed—raised the Traveston Crossing inquiry. That was an inquiry that was welcomed by the then Queensland Labor government because it was about the Commonwealth Environment Protection and Biodiversity Conservation Act—completely different to this particular motion.

Should this matter go ahead, I will be moving another amendment to suggest that the reporting date be in March 2016. If the proposers are so keen to have a thorough inquiry on Cayman Islands and what Mr Thomas might be wanting to talk about, then we should have an expanded inquiry. We can have a couple of years to look into this—not rush it forward in the next six months or so, which coincidentally happens to be the same period of the Queensland election.
This is a farce in the highest degree, and I cannot believe that the Labor Party are party to this. I suspect, from what Senator Moore said, that they are going to allow this to go through, and they will get a bit of legal advice later on and indicate that they are pulling out. But why go through this farce now, Senator Moore? You know that this is an outrageous abuse of the parliamentary process.

Should it go through, perhaps I will move a similar motion that we have a look at the appointment of the Deputy Premier or Treasurer or whatever he is in the South Australian government. It might be interesting to see what inducements were offered there, if any.

Perhaps we could have a look at the ACT government and some of the questionable things that happen there. Do we want this parliament and every parliament around Australia embarking on the farce of looking at other governments? I appeal, at this late stage. The Greens are always so principled but you know their principles only go as far as agreeing with the Labor Party on anything. I am surprised that Senator Siewert is part of this, because I always expect better things from Senator Siewert—not from the rest of her team—Senator Siewert is usually a sensible, mature and honest contributor to the debate. How Senator Siewert can be involved in this, I am not sure.

But, Senator Moore, it is not too late. You know better than me how absolutely farcical this is, and how farcical it will be when we start looking at the ACT and the South Australian governments. In a more serious vein I urge the parliament to hear what both Senator Abetz and Senator Brandis indicated. This has questionable legal standing. It is clearly a farcical situation.

I repeat that I would not mind having Hedley Thomas give evidence under parliamentary privilege. That would be fascinating. In fact, I am almost inclined with that in mind to support the motion. But I will not, because it is a farce. I look forward to the trip to Cayman Islands.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (16:06): Firstly, the people of Queensland made a decision, Senator Lazarus, at the last election in terms of who they wanted to govern the state. There were no surprises. The government laid down its agenda. It was led by the now Premier of Queensland, Campbell Newman. To refresh your memory: it produced the most outstanding electoral result, pound for pound, anywhere in the Western world. In the full history of records in relation to free, open and democratic elections, the Queensland government swept the pool and depleted Labor to seven people—seven members of the state parliament or the state legislature. This is all about that. I, too, will not be directing my comments largely at the members of the PUP until we get into debating the substantive motion because I want to talk about the abuse. They can be forgiven and they can plead some ignorance, but members of the Australian Labor Party cannot.

There has been another election; there has been another test of people, and that was back in last September. At that point in time the people of Australia—a much bigger referendum—decided that 43 per cent of the representatives who sit in this place here, in this Senate—the vehicle that is going to be used for this inquiry—come from the coalition: from the government. And yet, those opposite are going to use some numbers to put one of them—of 76 senators in this place—onto this inquiry.

In contrast, members of the Palmer party: I know that these are uncomfortable facts and figures but if you want to talk about equity, the Palmer party represents two per cent of the
members in this Senate. Two per cent! Yet they will occupy 40 per cent of the positions on this inquiry. This is an absolute abuse in relation to the decisions that have been taken.

And as if we could not be offended more—as if Clive had some fig leaf draped across—

**Senator Sterle:** Clive who?

**The PRESIDENT:** Senator O'Sullivan—Mr Palmer, please.

**Senator O'SULLIVAN:** Sorry, my apologies. I go back a bit further with Mr Palmer than anybody in this place.

I think the fig leaf fell away today when Senator Lazarus moved the amendment. Clive was not sure that he had an iron grip on your mob. He just was not sure, so—

**Senator Sterle:** Ex-lovers—even worse!

**Senator O'SULLIVAN:** No, Glenn! You wait—I hope you are on the committee. You are going to learn some lessons, my friend. I can take you out and fast-track you on what will happen, or you can go and endure three or four months on the road with Mr Palmer.

As if his intentions were in doubt, Senator Lazarus cleared that up with this motion amendment to appoint as the chair the Leader of the Palmer United Party in the Senate. Mr Palmer just did not have an iron grip, so now he has to take the chairmanship of the committee to see that he has it fully under control.

Senator Sterle, do you know the day this deal was done?

**Senator Sterle:** No!

**Senator O'SULLIVAN:** I know the day it was done. It was the day that Mr Palmer came to the bar of the Senate and indicated to Senator Wong to meet him in the foyer—the day they had lunch together. That was the day this motion was first put forward. A deal was done here in the dining room—

**Senator Sterle:** You haven't got the winner of the third at Flemington, have you?

**The PRESIDENT:** Order!

**Senator O'SULLIVAN:** Hold on—I have not finished. I have 54 seconds left so you will just have to sit and endure it, Senator Sterle—through you, I should say, Mr President.

**Senator Sterle:** How did I get into this?

**Senator O'SULLIVAN:** I did not think that Senator Sterle and his colleagues would need the education on these matters but clearly they do!

When we get into the substantive motion you should not leave this place. Do not leave this place—hang in, because when we get into the substantive motion I intend to spend 20 minutes on the settlement terms that Mr Palmer tried to negotiate with the state government. When he failed—I have them here, and I will table them—this idea was germinated in the lift of the executive building in Brisbane as he went down to the ground floor. So I would get around: I would phone a friend and I would get all your mates in here, because it will be entertaining in the substantive motion debate. *(Time expired)*

**Senator McGrath** (Queensland) (16:11): No-one has mentioned the word 'urgency'. We are trying to set aside standing orders here because it is an urgent matter and no-one has talked about urgency. Why do we need to do this? What is the rush? No-one has explained that.
It is because it is not about urgency. What this is about is a dodgy deal between Labor, PUP and the Greens. It is a menage a trois. The Greens, Labor and PUP have got into bed together because they want to think, 'How can we take down Campbell Newman?'

They did not beat him in an election so they wanted to set up an inquiry into Campbell Newman. It is an outrageous, dodgy deal between Labor, PUP and the Greens. It is a sordid, squalid deal. It would make the madams of Hay Street in Kalgoorlie blush in terms of the approach you guys are taking to politics here.

It is the first front of the Queensland election campaign. The Queensland election campaign is going to be in March or February next year and this is all about taking Campbell down. But it is also about the 'P' word, ladies and gentlemen. It is about 'preferences'. We know that Labor will do anything for preferences. We know what the Greens are like: they will show a bit of leg and they will lift their blouse a bit sometimes, because they will get into bed with Labor—

Senator Bilyk: I beg your pardon!

Senator Moore: Mr President, I rise on a point of order. I believe that the senator has gone too close in those last couple of comments and I would like you to draw that to his attention. My point of order is about inappropriate comments in the parliament. In terms of the process, I believe that Senator McGrath's last comment is actually impugned the processes of the Greens party in his statement.

Senator Ian Macdonald: Mr President, I doubt that you need my assistance to determine this point of order: it is clearly not a point of order. It is something the Labor Party do all the time, and if what Senator McGrath has done is wrong then the Labor Party should have a look in the mirror.

Senator Bilyk: We do not make sexist comments! You're the specialist in that!

The PRESIDENT: Order! I believe that Senator Moore has raised a point when she said at the opening of her point of order that Senator McGrath may have gone a bit too far. Senator McGrath, I believe you are sailing close to the wind. It would assist the chamber if you withdrew that comment and continued with your remarks.

Senator McGrath: I will clearly withdraw if people have been offended by that comment. But what they should be offended by is not what I am saying—it is what they are actually doing here today in terms of this deal and in terms of the principles that it offends.

The main principle that it offends is that one parliament should not investigate the actions of another parliament. What we have here is a parliament that was set up in 1901 deciding to investigate the actions of a parliament that was set up in 1859.

Senator Lambie: One house, no accountability!

Senator McGrath: I will take that interjection from the senator from Tasmania. It is up to the people of Queensland to decide who shall be in their government; it is not up to a senator from Tasmania. If the people of Queensland do not want Campbell Newman to be Premier and the Liberal National Party to govern they can vote them out at the election next year. They could also vote them back in again. We live in a democracy. We do not live in a system where one government can say, 'I don't really like what this government is up to,' because of different reasons.
Senator Lambie: It is our duty.

Senator McGrath: It is not your duty.

Senator Lambie: It is our duty to hold people accountable.

Senator McGrath: You are breaching a principle of comity. I would make a suggestion to the honourable senator. You did not understand what sharia law was the other day and you probably googled it afterwards on Wikipedia. I would encourage you to also google comity—spelt ‘c-o-m-i-t-y’. Look at that. If you are unhappy with the Queensland government, come up and campaign. I would love you to come up to Queensland and campaign. Please come up. Come up to Queensland and campaign.

The President: Order! Can I just indicate—and you are not the only offender, Senator McGrath—that all senators should address their remarks to the chair and not across the chamber, and interjections must cease. Senator McGrath, you have 42 seconds left.

Senator McGrath: Mr President, I am very apologetic. I am still new to this place. But, if we are going to do this—have this mutually assured destruction; if that is what this is going to be—let's look into the Tasmanian Labor government and the dodgy deals they did down there. Or let's look at the South Australian government and the inducements, bribery and corruption there. Let's look at the Northern Territory and the murky land deals between the unions and the Labor government up there. Or let's go to New South Wales, with the most corrupt government since the Rum Rebellion. Let's investigate Bob Carr. Let's do that, honourable senators. That is what we should be doing, not investigating the Queensland government.

The President: The time for the debate has expired. The question before the chair is that the motion to suspend standing orders, moved by Senator Lazarus, be agreed to.

The Senate divided. [16:21]

(The President—Senator Parry)

Ayes ..................34
Noes ..................28
Majority ..............6

AYES

Bilyk, CL
Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
O’Neill, DM
Rice, J
Sterle, G
Waters, LJ

BROWN, CL
Cameron, DN
Collins, JMA
Dastyari, S
Faulkner, J
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
Madigan, JJ
McEwen, A (teller)
Muir, R
Rhiannon, L
Siewert, R
Wang, Z
Wong, P
Question agreed to.

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (16:23): I move:

That general business notice of motion No. 418, as amended, relating to the establishment of the Select Committee on Certain Aspects of Queensland Government Administration, be called on immediately, moved and determined without debate.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (16:24): I move the following amendment to the motion:

To omit the words 'moved and determined without debate' and substitute the words 'and have precedence over all other business today until determined'.

In speaking to this amendment, it is absolutely and vitally important that we as a Senate understand the consequences of the path that is being sought to be gone down. For Palmer United to now move a motion to say that we should go down this unprincipled and unprecedented path without any debate whatsoever indicates the paucity of argument in favour of this motion. Indeed, let's be very clear as to what this—

Honourable senators interjecting—
The PRESIDENT: Order! Senator Sterle and Senator Heffernan, could you remove yourselves from the centre of the chamber, thank you, and could other senators either leave or resume their seats.

Senator ABETZ: Let's be under no misapprehension as to what this motion is about, because the Leader of the Palmer United Party in the Senate has described it himself in his motion, which is 'the establishment of the Select Committee on Certain Aspects of Queensland Government Administration'. That is what this is all about. Let's be very clear: the motion miraculously has the date of 26 March 2012 and requires a reporting date before 31 March 2015. What occurred between March 2012 and March 2015? That would just happen to be the first term of the Campbell Newman LNP government in Queensland.

There is a lot of suspicion and assertion that this motion is purely and utterly motivated by a personal grievance by one member of the other place against the Premier of Queensland. I do not know whether that is the case, but I think the dates in the motion tell us that that is in fact the case. We will find out whether that is or is not the case when my good friend and colleague Senator Mason moves an amendment to delete '26 March 2012', which was the date of the election of the Newman LNP government in Queensland. We seek to insert the date 21 March 2009, which would allow the examination of the Bligh Labor government in Queensland as well. I am not hearing a chorus of support from the Australian Labor Party on this, nor from Palmer United, so I am just wondering: what is the principle that started on 26 March 2012 and will somehow be gone by March 2015? This is purely and cruelly only designed to spoil the chances of the re-election of the LNP in Queensland.

I say to the member in the other place and to those who are motivated to see the destruction of the LNP government in Queensland: the government is doing a fantastic job in cleaning up a Labor legacy and a Labor mess. That aside, if you want to do so, do so by all means. Go to Queensland, go and campaign, knock on the doors, stand at the street corners and advocate the cause for re-electing a Labor Party that so destroyed the state of Queensland. Be my guest. That is the way we operate in Australia. That is what freedom of speech is about; that is what a robust democracy is about. What a robust democracy is not about is flouting the precedence of centuries of Westminster convention, which says that one parliament does not seek to investigate another parliament, that one House of parliament does not seek to investigate another House of parliament.

As I said earlier in a shorter contribution—in the event honourable senators did not hear it—on page 77 of Odgers there is a very clear statement, and that which I have just stated is the principle. Indeed, allow me to quote the whole paragraph:
The Select Committee on the Victorian Casino Inquiry presented a report on 5 December 1996 indicating that it had decided not to continue its inquiry because of advice provided by the Clerk of the Senate and by Professor Dennis Pearce in relation to limitations on the Senate’s powers to compel evidence from state members of parliament and—
this is the important bit—
other state office-holders. The committee’s report provided a comprehensive analysis of this matter and copies of the advices.

Being somewhat long in the tooth in this place I sat on that committee and I actually wrote to the Clerk of the Senate at the time seeking his advice. I wrote to the Clerk of the Senate on 14 August 1996 and he was good enough to respond the very next day, 15 August 1996. That
full letter is part and parcel of the Senate committee report that was then tabled in this place. It is there for each and every senator to read, digest and understand.

Indeed, I have every confidence that our friends in the Australian Labor Party know that this is the wrong track to go down. That is why the normally very considered and proper Senator Claire Moore made such a very, very short contribution in relation to the suspension of standing orders. She had to say Labor had agreed to the suspension, but she could not find many reasons to justify it. It was the Labor Party decision, so she did the right thing by her party to tell us why. But the paucity of argument gave the game away. This is the Australian Labor Party hoping to be able to piggyback on this Palmer United motion to help them win state government in Queensland.

We all know that politics, from time to time, makes people do things that they would not normally do. But can I simply say especially to the Australian Labor Party: do not go down this path because, if you do, it is fraught with danger. Parliamentary committees have the power to compel witnesses. If the Queensland government were so minded, it could set up an inquiry into the activities of certain senators in this place. Looking across the chamber at random, I see Senator Wang. I wish him all the best with his first speech later today and I am sorry that the name of Palmer United has been so sullied by the moving of this motion on a day that should have been his day. If Senator Wang were to go to Queensland to campaign, the Queensland authorities, acting on the advice of the Queensland parliament, could take Senator Wang off the street and to the bar of the Parliament of Queensland and require him to answer questions. Is this the sort of farcical path that we want to go down?

Senator Lambie interjecting—

Senator ABETZ: Senator Lambie seems to agree that yes, she would like to. Senator Lambie, I have a fundamental disagreement with you because I do not think it is healthy for the reputation of our institutions in this country. Let us just remember that democracy is a very fragile flower. It is a beautiful flower but it is fragile. And its fragility is based on the fact that people behave responsibly, within convention and according to principles. We have no less an authority than Odgers and the former Clerk of the Senate, Harry Evans, whom we all eulogised a few days ago saying he was a man who put the reputation and principles of the Senate first and foremost on every single occasion. Well, if those who contributed to that debate actually believed that which they said, they would not be voting against that which the then Clerk of the Senate strongly advised the Senate all those years ago in 1996.

Let us make no mistake: in relation to this particular motion, we are being asked for this Senate committee to look at the administration of the Queensland courts and judicial system. I would have thought that was clearly within the province of the state parliament of Queensland. We are then asked to look at the extent to which Queensland state government policies and practices are consistent with Australia's obligations. Well, let us have a look at what Australians obligations are and, if there are Australian obligations internationally, then it is for this parliament to legislate. Why must we have this ridiculous ruse of suggesting that we need to investigate the Queensland parliament, especially in circumstances where we know that the officials should not be compelled and, chances are, cannot be compelled and, in the event that it were ever contested in court, would not be compelled.

So why are we going down this track? Regrettably, it is, it would appear, because of the vendetta of a person in the other place who has representatives in this place who are willing to
move this motion. I can understand why that has occurred. They have only appeared in the parliament since the last election. Reasonably, they would not have been aware of *Odgers*, the Victorian casino inquiry of 1996 and the correspondence to which I have referred. Reasonably, one could not expect them to have known. But the Australian Labor Party know. They were there. Senator John Faulkner, who likes to hold himself out as the great doyen of the Senate and Senate practice and a great historian, knows about the Victorian Senate inquiry. We might even forgive Senator Wong because she was not in this place at the time. But there are long-term senators sitting opposite who actually do know the various convolutions the Senate went through in dealing with this issue. It was not pretty. It did this place no credit and, thankfully, we extracted ourselves in a relatively dignified way in the circumstances to which the former clerk refers to in his commentary in *Odgers* as ‘the principle’.

If the view is that we are just going to throw out *Odgers*, the conventions and the principles, then we are saying that the basis of the Westminster system, which we rely on in this country, can also be thrown out. This is a very fundamental threshold issue and it is why we as a government put up speaker after speaker in that short 30-minute period on the suspension of standing orders, because we will fight this all the way on the basis of the fundamental principle—the overarching principle—which is so vitally important in relation to this matter.

You then get into the tawdry politics. We have read in the newspapers about a member in the other place having a personal feud with a Premier of Queensland. If they want to have that feud and carry it on in Queensland, that is fine. Be our guest. But do not subvert the Senate and its processes in the execution of that feud. The Senate, its principles and its precedents are just so much more important than subverting them all for the purpose of pursuing a petty vendetta.

As I indicated earlier, my colleague Senator Brett Mason will be moving an amendment later on to change the date of the terms of the inquiry, to commence with the election of the Bligh government. In the event that the Palmer United Party are genuinely concerned about how Commonwealth funds are used in Queensland, why are they only interested in the use of those funds during the term of the Newman LNP government? Why would they not be interested in how these funds may have been expended during Labor's term of government? Because if we were to change the date to that which my colleague is going to move, namely, 21 March 2009, we might be able to investigate the basis and the background of a press release, dated Friday, 6 August 2010, which was a statement by former Premier Anna Bligh: Premier Anna Bligh, Treasurer Andrew Fraser and businessman Clive Palmer have today reached a settlement after mediation over defamation action brought by Mr Palmer.

Wouldn't that be an interesting little inquiry as to the use of government money? It will be very interesting to see whether the Palmer United Party will agree to such an amendment. Having said that, lest there be any doubt, in the event that that amendment is carried, we as a coalition will remain absolutely true to our principles by voting against the substantive motion. Make no mistake about that: we are putting up this amendment to test those opposite, especially in the Australian Labor Party, as to whether they believe it is appropriate to have a Senate inquiry into state governments—plural—or just a Liberal-National Party government. That will be their test and that will expose them for what they are in relation to this debate.
As for the Australian Greens, they always protest about the integrity of parliament. They join in with Labor each and every time—42 bills guillotined through this place, without a single word of debate, and then they say, 'It's important to have transparency. That is why we want this inquiry.' Give me a break! The hypocrisy of the Australian Greens in these matters is there for all to see.

Can I again say, especially to the Labor Party: you know what this is about. It is about a personal vendetta—the absolute abuse of the Senate and its procedures to help in a personal vendetta. As to the conclusion date for this inquiry, why March 2015?

**Senator O'Sullivan:** Election day!

**Senator ABETZ:** I think you have done it, Senator O'Sullivan. How funny that I did not think of that! But there you go. I reckon you might have hit the jackpot there. What is all this about? An inquiry from the election of the Newman government to the next election? That is all this is about. Is there any genuine basis, any genuine meat, any specific allegations—

**Senator O'Sullivan:** None!

**Senator ABETZ:** None have been put forward thus far and that is why they do not want a debate because, if we have a debate the Palmer United Party would be forced to put up the evidence to suggest why we need this inquiry. But so shamed are they by the lack of any evidence that they are now seeking to run away from the debate, by simply saying, 'Let's deal with all this without a debate.'

Can I say that, in general terms, when this sort of motion for an inquiry is put up, an actual argument is put up as to why we need an inquiry. What are the circumstances? I understand that somebody did not get their wish in relation to a particular development in Queensland. I can understand the gentleman's disappointment. But that is a matter for him to pursue. If it was illegal in the courts—and I understand he has some understanding of how the court system works; he is not a stranger to that process and I would invite him to engage in that—or if he thinks it is a government not worthy of the people of Queensland, let him spend money in a campaign for the next election in Queensland.

I plead again, in these final seconds, especially to the Leader of the Opposition in this place and the Australian Labor Party: do not subvert the principles and the long-established precedents of this place to allow somebody to pursue a personal vendetta.

**Senator CAMERON** (New South Wales) (16:45): The opposition will not support the government's amendment. I note, for the information of those present and those listening, that as a consequence of Senator Abetz's motion the Senate will grant precedence to this inquiry reference over the government's national security legislation. Labor says: 'Let's get on with the important business of the chamber.'

**Senator MASON** (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (16:45): Let me let you in on a secret. I made a mistake earlier today. I understand why Senator Lazarus moved the motion he did today. I do not support it, but I understand it. I even understand why the Australian Greens supported Senator Lazarus' motion. I understand it; I do not support it. But like Senator Abetz, I cannot believe that the Australian Labor Party—Australia's oldest political party and the alternative government—is also supporting it.

I have had some big debates in this place against Senator Cameron and Senator Wong over the years but that is politics. As Senator Abetz has pointed out, this is principle. I have an
even greater authority than Odgers, Senator Abetz. I have been here long enough to remember Senator Robert Ray in full flight. The thing that annoyed Senator Ray more than anything else was when the privileges of the Senate were taken for granted. He always said, 'You do it to us, we'll do it to you. You set a bad precedent, we'll set a bad precedent.' Do not do it. The Australian Labor Party should know much better than this.

I have had debates in this place ranging over all sorts of issues over many years. As Senator Brandis said earlier today, I have never, ever come across the motion quite like this that traverses and, indeed, trashes Senate principle. When you have the idea that a parliament of this country can sit in judgement of another parliament—not a government, but another parliament of this country—you are setting a precedent and hell knows where it will go. I have never in all my time, Senator Cameron, come across this from the Australian Labor Party, for all the arguments we have had over the years—and there have been a few, I accept, and I have not won all of them.

This is an issue of principle. I am really surprised that people like Senator Ludwig, Senator Moore and others would come at this because this leaves the door open in the future. I may not be around to—how shall I put this?—secure action against the Australian Labor Party or others in the future, but if I was so minded I would have a very good precedent now. This should never happen and I am surprised that the Australian Labor Party—the alternative government—has let this happen. It is cynical. It is totally and utterly cynical. The idea that the Senate, its powers and procedures, should be used to settle a personal economic and fiscal score is absolutely outrageous.

I do not know about Mr Palmer's dispute with Mr Newman. I have no idea about it. My friend Senator O'Sullivan has a much better idea. But the idea of hauling the upper house of the Australian parliament in a direction it should not go in pursuit of personal fiscal and economic satisfaction is absolutely outrageous. I have never seen this in my entire time in the Australian parliament. The idea that the Palmer United Party would do this I can understand, but the idea that the Australian Labor Party would adopt this stance is virtually unbelievable.

Let me go where Senator Abetz started to go before: if you have a look at the motion itself, it has all the cogency of a dartboard. It is a miscellany of misgivings. I am not a very good lawyer and I am certainly not up to arcane Senate procedure, as you well know, Mr President, but I will do my best. The idea of the motion is that there would be a select committee established to inquire into the amount of Commonwealth funds allocated or paid to Queensland, with particular reference to the purposes for which the funds were appropriated by the parliament. Do you know what? How those funds were appropriated is a matter for the Commonwealth parliament, and we were elected last year to do that.

**Senator O'Sullivan:** They're audited!

**Senator MASON:** Not only is it audited, Senator O'Sullivan—have a look at the budget papers. You might get some understanding of what is going on in (1)(a) from the budget papers.

Secondly, on 'performance measures in relation to Commonwealth funds paid to the State of Queensland'—

**Senator O'Sullivan:** That is there too.
Senator Mason: Oh, that is there too—there are performance measures as well. The ultimate performance measure, as Senator McGrath said before, is an election. But there are, in fact—

Senator O'Sullivan: The Department of Finance!

Senator Mason: Department of Finance performance measures; indeed, they differ depending on what the money is granted for, whether it is GST or whether it is for the national road system, school funding or hospitals. It all varies. If you go over the page to part (iv) you read: 'the proportion of the Queensland State budget derived from Commonwealth funds'—again, you can find that out from the budget papers. We are supposed to have an inquiry into something that is on the public record. This goes on and on.

I know the Attorney-General, Senator Brandis, and Senator Abetz touched on this before. They spoke about part (b): 'the administration of the Queensland courts and judicial system insofar as it relates to cross vesting arrangements'. Yes, that probably is incompetent; but more than that, it is not the subject of proper attention by the Australian Senate. Again, it is a miscellany of misgivings. It is a fig leaf for an attack on the Queensland Premier and the Queensland government.

I turn now to part (c). This is important. It reads:

(c) approval process for the development of projects for the export of resources or services insofar as they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth ...

So we have a bit of an examination, do we, of the private arrangements, the private interests, of a Queensland individual, through the course of a Senate inquiry, under part (c)? That is what could happen. Again I say to the Australian Labor Party: is that really what you want? I cannot believe that you do. I understand that the Palmer United Party would want that. And the Greens—well, who cares? But you are the alternative government. You are setting the precedent here. I cannot believe you would want the Senate specifically to be looking at that matter.

And it goes on. Part (f) reads:

(f) the extent to which Queensland State Government policies and practices are consistent with Australia's obligations under international human rights instruments, with particular reference to:

(i) the administration of prisons, and

(ii) detention without trial ...

Again, I am not the lawyer that Senator Brandis is or Senator Abetz is, but even I know that a Senate inquiry is not the place for that. The extent to which the Queensland government is complying with the law is a matter for who? For the courts, isn't it? Isn't it? So why are we having an inquiry into this? If there is a complaint then surely it is a matter for the Australian judicial system, not for one parliament sitting in judgement of another parliament—for the federal parliament to sit in judgement of a state parliament, Senator Lazarus. I understand your concerns, but this is not the right way to go about it. This is bringing in all these extraneous matters, where there are many other forms of accountability. And what we are going to do is to set an awful precedent for the future, whether it is the Department of Finance, matters for the Australian court system, or a matter solely for the Queensland...
parliament—these are not matters, principally or even at all, for review by the Australian Senate.

Finally, I suppose the big doozy is part (g):

(g) any other matter the committee considers relevant.

Again, I am not a good lawyer at all, but one of the very few things I remember from law school was this. I think they used to call it, Senator Abetz, the general warrant. When those evil kings in medieval Britain did not know what they were looking for, they had what was called a general warrant. It was what today might be called ‘drift-net fishing’. So you just go through everything if you can't find it. It is an investigation into everything but nothing in particular—that is what part (g) means. Again, I have never claimed to be a very good lawyer, but I know, Senator Lazarus, that that umbrella is far too broad and far too inconsistent to possibly have standing in the Australian Senate. It is ridiculous.

If we are frank about this, the only sentiment binding together this entire motion, this miscellany of misgivings, is nothing to do with Queensland government administration. It is not to do with the operation of the courts or human rights. It is not even to do with fiscal accountability. They are just the fig leaves for an attack on the Premier and the Queensland state government. That is what this is all about. So we end up here today debating this motion in the Australian Senate, and on we will go, talking about the Australian Senate reviewing Queensland government courts, administration and financial capacity.

Just take a second, Senator Lazarus, to think about the precedent you are setting. You can see what will happen, constitutionally. This will mean that, from now on and forever, you will have a situation where one democratically elected parliament in this country will sit in judgement of another. And perhaps, Senator Lazarus, a state or territory parliament will sit in judgement on us. I do not think that this is a good idea—this idea that somehow parliaments of this country, state or Commonwealth, sit in judgement of each other. As my friend Senator McGrath said, the people who stand in judgement of parliaments in fact are the people, not other parliaments.

The cynicism of this entire motion is easy to see. It is political; it is personal; it relates to business interests. As to the election date in Queensland: the reporting date, I note, is 31 March 2015. Is that right, Senator O'Sullivan?

Senator O'Sullivan: That is.

Senator MASON: That happens to be very likely just after the Queensland state election. I might not be that smart, but I picked this up! The entire Queensland government will be under the microscope of the Australian Senate right through the election campaign—right to the end of this year and right through to March of next year. That is the aim. This is not about Queensland government administration. This is about getting the LNP electorally and, in particular, the Premier, Mr Newman. It is so, so cynical.

It even goes to the membership of the committee. I cannot believe it. It says:

(3) That the committee consist of 5 senators, 1 to be nominated by the Leader of the Government in the Senate …

So 20 per cent is to be nominated by Senator Abetz as the Leader of the Government in the Senate, and he represents the government of this country. Is that appropriate? Again—and I am looking at the Australian Labor Party—think of the precedent that is being set.
I am disappointed, Senator Lazarus, that, under subsection (6), we read:

(6) That the committee …
(a) appoint as chair the Leader of the Palmer United Party in the Senate and,
(b) elect as deputy chair, a member elected by the committee.

So the deputy chair, on those numbers, will not be from the coalition—no way. They will be from the Australian Labor Party or, worse, from the Greens. It is an absolute fiasco. Again, it breeds what? Cynicism. And again I urge you—I urge all the Palmer United Party and, in particular, the Australian Labor Party—to think of the precedent this sets.

A government senator: Be careful what you wish for!

Senator MASON: Exactly. You may get the numbers, you may get this up, just remember that some senators will be around a long time and this is not the precedent you want to set. If we are really concerned about the expenditure of Commonwealth moneys by Queensland governments, if we are really concerned about Queensland government administration, and let us just assume we are for a moment, why don’t we look at the conduct of the Queensland government since 21 March 2009? That is when Ms Anna Bligh was elected in her own right. Then you might sort of argue that we are looking more broadly at Queensland government administration. But, in fact, it is not about that at all; it is a deliberate attack on the Premier of Queensland and the Liberal National Party government.

The disgrace of this is not the Palmer United Party doing this because I expected it—in fact, my colleagues all expected it. I made a grievous error and I will admit it. I will let you in on a secret: I thought the Australian Labor Party would be far too responsible to enter into this sort of arrangement. That is what really disappoints me. They are so much better than that—the alternative government, the oldest political party in this country, a party with a proud tradition and proud leaders have embarked on this road. I know none of them are proud of it. Look at them—they are hardly going to be jumping out of their pants when this is passed. This is a disgrace.

In the future, over the next few years after this precedent just scrapes through the parliament, I think we will be able to find all sorts of precedents from state, territory and Commonwealth parliaments. If this becomes part of the manner of governing in Australia, if this becomes normal government practice in Australia, the nation will suffer. Forget about Mr Newman for a moment, as much as he is a great Premier—the precedent this will set will mean that every Premier, every state government, every territory government and every federal government will be in line for examination by another parliament. They could all be in the fray, every last one of them.

Senator Wong interjecting—

Senator MASON: Senator Wong, I am surprised. For all our arguments over the years, and I admit we have had a few, you have never, ever taken a stand of principle like this. What Senator Brandis said earlier on, that he has never come across this in his time in the Senate, is true. I have been here 15 years and I have never, ever seen anything like this. It is not so much this instance; it is the precedent that it sets. In the future, the democracy of our country and every government and every parliament will be traduced by this. The powers and the privileges of parliaments will be compromised by the powers and the privilege of other
parliaments. That was never part of the constitutional compact of this country. The Federation of this country was never founded on this sort of constitutional trashing.

Senator O'Sullivan interjecting—

Senator Wong interjecting—

The PRESIDENT: Senator O'Sullivan and Senator Wong!

Senator MASON: The Federation of this country was never founded on these sorts of constitutional arrangements. Nowhere in the constitutional debates will you find any reference to a state or a territory government being held to account by a Commonwealth government—nowhere will that be found.

The Labor Party will live to regret this. Senator Robert Ray, for all his faults, was right about one thing in politics: what goes around comes around. What is going to happen in the end is other places and other parliaments—

Senator Cameron interjecting—

Senator MASON: It is true, Senator Cameron—other parliaments, at other times and in other places will adopt this precedent and when they do our democracy will be weaker. And it will have started right here today. That is what gets me—

Senator Wong interjecting—

Senator MASON: Senator Wong, you never foresaw this. You will wear this, the Australian Labor Party, because it is an important matter of constitutional principle. You have given up the principle of probity of parliaments. You have given up a constitutional prerogative and a constitutional assumption. You have given that up. You have given it up for a cheap and pathetic motion on a Tuesday afternoon in the Senate. You are prepared to mortgage principle for that. It is an absolute disgrace and God help the Labor Party in the future.

Debate interrupted.

**FIRST SPEECH**

The PRESIDENT (17:05): Order! Pursuant to order, we are moving to a first speech—and it is probably a much-needed reprieve. I remind honourable senators that this is Senator Wang’s first speech and I ask that the usual courtesies be extended to him.

Senator WANG (Western Australia—Palmer United Party Whip in the Senate) (17:06): I would like to acknowledge the traditional owners of the land we live and work on, and pay my respect to the elders both past and present. It is with great honour and pleasure that I am here today in this chamber to share with the Senate about who I am and what I believe in.

I was born to a humble family in Nanjing, China, three years after the beginning of Chinese economic reform. I was born at the dawn of the brightest era in recent Chinese history. Mum and Dad were not so lucky. They did not finish high school. They both started working in a forklift factory since they were 16 years of age. As a very young child, my earliest memory of the economic reform was a leap in our living standards when Mum and Dad were able to bring home money four or five times the base salary because the factory started to pay
bonuses to individuals according to their productivity. Mum and Dad not only worked hard but also had to work innovatively. They were clearly motivated by the financial incentives and brought in some pretty smart ideas to expedite their production process. Right there were my first two political lessons. One, incentivised people produce better results. Two, always keep an open mind—even capitalism has some good elements.

Being a single child, I was no doubt spoiled, to say the least. Life was tough on Mum and Dad, but my childhood was always a smooth sailing because they were my ship, my wind, my ocean and my guiding star. I have been and will always be frustrated, for there is no word in the world to describe how grateful I am to them for their unconditional love.

Nanjing had been the capital city of six dynasties. It first became a capital city in the year 229, during the Three Kingdoms period when powers battled each other for nearly 100 years in a bid to become the final ruler of a reunited China. 'War is the continuation of politics by other means'. It was a truly fascinating period in Chinese history, where politics were played to the extreme. I do not recommend you to study it though because I believe the less we know about politics the better for the country!

The same as many other historical cities around the world, Nanjing has seen both most glorious and darkest moments. Perhaps one of my favourite glories was landmarked by the Porcelain Tower. Built with white porcelain bricks in the early 15th century, this nine-storey or 80-metre beauty stood gleaming, overlooking the city for more than 400 years, until its unfortunate destruction by war in 1856. In his 1665 book, an ambassador from the East-India Company of the United Provinces, the Dutch author and traveller Johan Nieuhof was clearly more than impressed. He wrote:

In the middle of the Plain stands a high steeple or Tower made of purceline, which far exceeds all other Workmanship of the Chinese on cost and skill, by which the Chinese have declared to the world, the rare ingenuity of their Artists in former Ages.

The worst of all the darkest moments took place from 13 December 1937 till late January 1938; a six-week-long massacre, a six-week-long nightmare, and a six-week-long living hell. For China, it may be the longest six weeks in its entire history. But for the Imperial Japanese Army, it was never too short to torture, to rape, to murder 300,000 innocent men, women and children. Three hundred thousand lives were taken by indescribable brutality. Three hundred thousand souls were taken by unspeakable evil.

Robert Wilson, an American physician who was working at Nanjing Hospital at the time, wrote the following on Saturday 18 December 1937 in a family letter:

Today marks the sixth day of the modern Dante's Inferno, written in huge letters with blood and rape. Murder by the wholesale and rape by the thousands of cases. There seems to be no stop to the ferocity, lust and atavism of the brutes.

My colleagues, maybe Australia received a better bunch of imperial Japanese invaders that some could even suggest they were 'honourable'. But I believe the right word should not be 'honourable', it has to be 'horrible'. What Nanjing witnessed in those six weeks was three hundred thousand times worse than horrible.

No matter what Nanjing had suffered in history, it always managed to rise up from the ashes. Nanjing is always resilient. Having endured many ups and downs, Nanjing learnt to be always calm. Waves of people came for prosperities and went during devastations. Nanjing is always welcoming and forgiving. Having survived one of the most barbaric humanitarian
crises in World War II, Nanjing understands to the fullest extent how precious peace is. This is the city where I lived for 22 years. I do not claim I have all the virtues it holds, but all those 22 years no doubt helped in shaping my personality.

After earning a bachelor degree in civil engineering, I came to Australia to study urban planning at the University of Melbourne. Having just spent four years learning how to design buildings, bridges and roads, I was eager to see the bigger picture. I chose urban planning so I could understand more about how structures interact with each other, and I chose Australia so my world was no longer just China or the northern hemisphere. It is where I met my future wife Josephine, who was coincidently also a civil engineer studying urban planning at Melbourne University. Look for the bigger picture we did, each other we saw. By the way, my wife is pretty slick. I thank my parents-in-law for bringing up my better half and I thank heavens for bringing her to me.

Melbourne was neither too crowded nor too quiet. The three years that we spent there served as a smooth transition for both of us who came from bigger cities with larger population. We quickly fell in love with Melbourne and indeed Australia for the clean air, beautiful oceans, easy lifestyle and many other wonderful things she has to offer. It became an easy and obvious choice, so we decided to stay after graduation and I soon found a job in Western Australia.

Western Australia was enjoying a mining boom but coming with the boom were a lot of problems. Rapid population growth coupled with poor housing affordability and lack of spending on public infrastructure and services—enough to give any government more than just a headache. On top of that, over the past years Western Australia has been receiving less and less proportion of GST revenue. Make no mistake: it is in our spirit that we must help others. We have been helping other states and territories and we want to do more. With huge potential in mining, agriculture, tourism and so on yet to be exploited, we could contribute even more if there were enough funding to facilitate further economic growth in Western Australia.

Inevitably there will always be some businesses that cannot last very long, but it is a different matter when ill-designed government policies force them to fail. Our responsibility, as politicians, is to help them grow so they provide more jobs, rather than putting a clamp on their prosperity by creating uncertainty or excessive taxation, or quite simply by inaction. Businesses employ people; governments look after people. When businesses diminish, demand for social welfare will go higher. When more people have jobs, fewer will be dependent on government handouts. Either we take money from businesses to pay for increased welfare or we leave money with them so they can grow and pay salaries to more people. Just as Yin and Yang, everything needs to be balanced.

In recent years, Western Australia has seen many small resource and mining companies shutting doors, farmers losing land. We are not doing enough to help them. Proven by recent mergers and acquisitions, demand for our high-quality agricultural products is clearly growing, especially in Asian countries. Yet our farmers are doing it tough. We need to do something about it so we can tap into new markets and we have to make sure our farmers do not lose out.
The 21st century is the Asian century. If Australia does well, we will enjoy a century-long prosperity. If we plan well, wealth accumulated during this century can be carried over into future centuries. In fact we cannot afford not to do well as many other countries are eagerly waiting to ride the tide. Australia has to be one of the first to ride this tide. We are ready except for one problem. While the glass ceiling is yet to be fully broken, we need to tear down the 'bamboo ceiling' as well. Despite the fact that one in 10 Australians have Asian ancestry, Diversity Council Australia found that only less than two per cent of executives in the ASX 200 companies have Asian cultural origins. The bamboo ceiling is not only a cap on the achievements of individual Asian Australians but also a cap on Australia's future. We are a diverse country where people from all cultural backgrounds cherish our freedom and democracy. Let us build a country even more equal so that every individual's potential can be unlocked, therefore unlocking our country's potential.

I would like to sincerely thank Clive Palmer for setting up Palmer United Party to let everyone have a fair go. I thank Clive for his continuous support over the years in both the corporate world and the political arena so I can have a crack at the bamboo ceiling. I thank all our supporters, volunteers, workers and 2013 election candidates for their tireless work and their trust in us. We all want a strong, wealthy and equal country, and that is what we are committed to.

I would also like to thank my fellow parliamentarians Penny Wong, Lisa Singh and my fellow Western Australian Ian Goodenough for their inspiration to other Asian Australians and indeed to all Australians to participate in politics. Penny, Lisa and Ian truly are the can-do spirit.

Mr President, no matter how can-do we think we are, no matter how capable we think we will be, at various points of our lives, everyone has to accept that there is just something that he or she will never be good at. Take me, for example. It did not take me very long at all to realise that it would be literally suicidal if I ever wanted to be a rugby player when I discovered that in Queensland there is a brick, which not only has a name, but eyes too.

While I agree that efforts should be made to improve our weaknesses, I also believe we should put more effort into working on our strengths. Proudly, Australians not only have sound bodies through which we achieved so much in sports; we also have beautiful brains. We have won 12 Nobel prizes: one in literature, one in economics, one in chemistry, two in physics, seven in physiology or medicine, all from such a small population. By merely pointing out these facts, I already feel smarter.

I cannot help, though, but to point out another fact by using my favourite line, which was often used to conclude my theses as a university student—'more research needs to be done'. I confess that sometimes it was questionable whether I should be using that line, as my motive, possibly, was to avoid making a definitive conclusion, either to be too prudent or to cover up the fact that not enough time was spent on studying the subject. But when it comes to Australia or any other country, no-one should question the benefits of doing research or having the know-how and know-why.

Those who can do a specific job will often end up doing the job all the time; those who cannot, often end up in management. In that case, judging by where I am now, I am probably an engineer who cannot fail any further. But even as a failed engineer, I understand the
important role that scientific and technological research plays in shaping any nation's future. Indeed, more research needs to be done.

In a time when labour and energy costs are so high, we need new technologies to reduce our production costs. In a time when farmers are struggling, we need new technologies to overcome difficulties caused by nature and of course by politicians. In a time when we promote environmental sustainability, we need new technologies to make renewable energy even cheaper and more readily available so there would be no need for legislative favour. In a time when we buy weapons from other countries and to a certain degree rely on others for our own national defence, we need new technologies so that one day our nation can protect her land, her waters and her citizens all by herself.

Let's set up a national agriculture investment fund, which not only coordinates research projects but also lends money to farmers who struggle to get funds from banks, which are often too profit-driven.

Let's set up a national medical research fund, which is definitely not funded by those who are sick more often. Let's set up a national defence research fund, where every dollar we put into foreign arms dealers' pockets has to be matched by a dollar going into the fund.

A journey of a thousand miles begins with a single step. We need to invest our hard-earned money wisely. Every dollar counts. Every decision in this chamber counts.

We need smart politicians to make wise decisions. Having survived election campaigns and still managing to survive media scrutiny, we have some pretty smart people in this chamber. Don't congratulate yourself too early, though, not until you have heard my definition of 'smart'.

Let me begin with a quote from a wise man. Confucius said, 'When I walk along with two others, from at least one I will be able to learn'. I know I am being extremely fussy here, because this great philosopher did not mean to exclude the other person. But, Mr President, I seek leave to move an amendment. I believe if we observe carefully and reflect deeply, anyone, including ourselves, must have something we can learn from.

Whether or not a person is smart has nothing to do with his or her IQ. The only definition I have is that a real dumb person thinks others are dumber; a real wise person considers others are wiser. The fundamental difference here is the attitude towards other persons' views and opinions.

'Listen to both sides, we will be enlightened; heed only one side, we will be benighted.' Even though I have recently experienced a great deal of confusion by listening to both sides on a particular bill, as one side was telling me that hundreds of jobs would be lost if I voted for the bill and the other side told me the same job loss would occur if I voted against the bill, I still firmly believe in the virtue of being humble. As politicians it is crucial that we humbly listen to all sides before any decision is made.

To conclude, I would like to dedicate this speech to my child, Joanna. The very moment you were born I suddenly realised a reality that had never seemed so real before: I won't be around forever. The world would be forever grey to me without you. But my responsibility is to make sure your world is as colourful as colourful can be without me. I give you fish, I will teach you how to fish, but more importantly I need to make sure that there will be plenty of fish for you to catch. This is what politicians need to do.
Your daddy is a politician now. I know at the moment you think it is a 'silly' job, for I am away so much. But trust me, I take that as a compliment knowing that when you are older you will possibly end up saying something like 'My old man's a polly, yuck'. I won't blame you, because being a politician is indeed a tough job.

Although all politicians have very good intentions, it is extremely difficult to please everyone, no matter how hard we try. Therefore there is always criticism—not to mention that sometimes we are criticised for no better reason than so that our political opponents can score some points, or even so that a newspaper can sell a few more copies.

For mankind, Judgement Day may come only once, but for us it comes every three years. Ideally, our job should be to set the country on the right path through visionary long-term policies. Practically, we are very often compelled to give up long-term gain so voters will not feel much short-term pain. The ugly truth is that whatever grand vision it might have, a political party may have to stay long enough in office to be able to see the day when their policies could actually bear any fruit. Therefore, surviving the next election and the ones after usually prevail. Watered-down legislation does not mean our hearts are only half warm but rather, simply, political reality can sometimes be cold. Politics, indeed, is a fine art of compromise.

Sweetheart, being a politician might be silly. But please remember, daddy is doing it for you and every other child who all together hold the future of our nation. There is absolutely no compromise on this.

I don't have Phar Lap's mighty heart, and I don't have Ned Kelly's thick armour. But I have you. You and your peers are Australia's future. For as long as I am in this chamber, every day means another 24 hours of my devotion, to build a better country for you: a country so strong that she can protect every one of her citizens; a country so wealthy that everyone has easy access to solid education and employment; a country so fair that everyone can have a fair go. Honourable Senators, let's do this.

**COMMITTEES**

**Certain Aspects of the Queensland Government Administration Related to Commonwealth Affairs—Select Committee**

**Appointment**

Debate resumed on the motion to provide for the consideration of general business notice of motion no. 418 moved by the Leader of the Palmer United Party in the Senate (Senator Lazarus)—and the amendment moved by the Minister for Employment (Senator Abetz).

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (17:31): I move:

That the question be now put.

The PRESIDENT: Just so senators are clear: the motion is that the question now be put. The question is that the amendment moved by Senator Abetz be agreed to.

Question put.

The Senate divided. [17:35]

(The President—Senator Parry)
Ayes ........................33
Noes ........................33
Majority....................0

**AYES**

- Bilyk, CL (teller)
- Bullock, J.W.
- Carr, KJ
- Conroy, SM
- Di Natale, R
- Gallacher, AM
- Ketter, CR
- Lazarus, GP
- Ludlam, S
- Lundy, KA
- McEwen, A
- Moore, CM
- O'Neill, DM
- Rice, J
- Sterle, G
- Waters, LJ
- Wright, PL
- Brown, CL
- Cameron, DN
- Collins, JMA
- Dastyari, S
- Faulkner, J
- Hanson-Young, SC
- Lambie, J
- Lines, S
- Ludwig, JW
- Marshall, GM
- McLucas, J
- Muir, R
- Rhiannon, L
- Siewert, R
- Wang, Z
- Wong, P

**NOES**

- Abetz, E
- Bernardi, C
- Brandis, GH
- Cash, MC
- Day, R.J.
- Fawcett, DJ
- Fifield, MP
- Leyonhjelm, DE
- Madigan, JJ
- McGrath, J
- Nash, P
- Parry, S
- Reynolds, L
- Ruston, A (teller)
- Seselja, Z
- Smith, D
- Xenophon, N
- Back, CJ
- Birmingham, SJ
- Bushby, DC
- Colbeck, R
- Edwards, S
- Fierravanti-Wells, C
- Heffernan, W
- Macdonald, ID
- Mason, B
- McKenzie, B
- O'Sullivan, B
- Payne, MA
- Ronaldson, M
- Scullion, NG
- Sinodinos, A
- Williams, JR

**PAIRS**

- Milne, C
- Peris, N
- Urquhart, AE
- Whish-Wilson, PS
- Ryan, SM
- Johnston, D
- Cormann, M
- Canavan, M.J.

Question negatived.
Senator IAN MACDONALD (Queensland) (17:38): I very much appreciate the opportunity to take part in this debate.

I did say earlier that in my long period here, this is the most outrageous motion for a committee—

The PRESIDENT: Order! Senator Macdonald, this is not your fault; it is the fault of everyone else around you. Could I ask that if senators wish to listen to the debate that they return to their seats and would those who do not wish to participate please leave the chamber. That includes senators having discussions within the body of the Senate chamber.

Senator IAN MACDONALD: As I was saying, this is the most outrageous abuse of the processes of this parliament that I have seen in my long years here. I see Senator Faulkner in the chamber now and I am surprised that Senator Faulkner has not spoken on this high farce—this absolute abuse of power by the Palmer United Party in relation to this.

As I said earlier, I have some thought that perhaps the debate might be worthwhile having. I would just love to get a bloke named Hedley Thomas into the inquiry under parliamentary privilege. I read some of what Hedley Thomas writes about different issues. He is a very interesting sort of journalist, but I suspect that a lot of what he would want to write has been excluded by the legal advisers to his paper. But under parliamentary privilege, who knows what Mr Thomas might be able to inform us of about happenings in Queensland? So, on one hand, I am almost convinced to support this. But I would not because it is an abuse of the Senate powers.

I just want to go through the details of the provision. I will start with the motion setting up the committee itself. In this chamber the coalition has 33 members. My arithmetic on the run is not all that good, but I think that is about 40 per cent of the Senate. What are we going to get on this committee? Twenty per cent of the voting rights on this committee! By contrast, the Palmer United Party, which represents—what?—about five per cent of the members of this committee, is going to get 33 per cent of the voting members of the committee, and they are also going to get, on the motion of Senator Lazarus, Senator Lazarus as its chairman! That in itself would raise eyebrows anywhere around.

As I said to Senator Lazarus before, if he needs the money, which he will get as chairman of a committee, then perhaps he should not be driving the two-door Mercedes-Benz vehicle which is apparently his and which is parked in the Senate car park. Senator Lazarus clearly does not need the additional money for being a chairman of a committee if he is able to drive a fairly smart, latest-model, two-door Mercedes-Benz to parliament. So I cannot understand why that is.

Mr President, if you had any suggestion that this was to be a serious investigation into any operations that the Commonwealth is associated with, why would you set up a committee that had one member of the government, two members of the Labor Party—who only have 25 senators here—one member of the Greens and one member of the Palmer United Party? That, in itself, it shows what a farce this whole exercise is.

Just looking at the terms of reference: one of the terms of reference is:

… identified breaches of funding agreements or conditions—of Commonwealth funds paid to the state of Queensland.
Well, that is a great vote of confidence in the Australian National Audit Office, isn't it? That is what the Australian National Audit Office is about. You do not need a Senate inquiry to determine if there have been breaches of funding agreements; that is what the Australian National Audit Office is all about! Clearly, Labor, the Palmer United Party and the Greens have absolutely no confidence in the Australian National Audit Office—an office, I think, which over many years and many governments has had the united support of governments and parliaments in the past. Apparently, that does not apply any more.

One of the terms of reference is:

… the proportion of the Queensland State Budget derived from Commonwealth funds, …

Why do we need a committee to work that out? I will give Senator Lazarus a calculator and he can work that out himself. Those figures are clearly available on the budget papers both governments so why you need a Senate inquiry and all costs and paraphernalia that go with it to work out the proportion of the Queensland state budget derived from Commonwealth funds is completely unknown to me.

The inquiry also wants to work out whether any funds have been used by the state of Queensland for state government advertising or party political purposes. I am pretty relaxed about that except to say that if Senator Abetz's amendment—or was it Senator Mason's amendment that he foreshadowed—that the inquiry go back beyond the can-do Campbell Newman government to the Anna Bligh government is passed—and I cannot think of any reason why it would not be—I would be very interested to see what Commonwealth funds from the Rudd-Gillard-Rudd governments were used by the Bligh government for advertising of party political purposes.

Mr President, I might say—and you might give me some assistance—that at some stage I want to move the amendment suggested by Senator Mason: that the date be a date that Senator Mason mentioned—

The PRESIDENT: Senator Macdonald, you have asked me a direct question. You cannot do that because we have not reached that point of the debate. The debate is still about the amendment moved by Senator Abetz. We have got two more motions to get to before we will get there. So it cannot be moved at this point.

Senator IAN MACDONALD: Thank you very much, Mr President. I just wanted to highlight that Senator Mason or me or Senator Abetz or Senator Brandis will want to move that motion, and I foreshadow that amendment.

I also want to foreshadow the amendment I did mention briefly previously: that the reporting date should be extended for 12 months. Mr President, if this is such an important issue, then clearly the parliament would want to investigate it fully, in which case we need more than just six months. It is going to be an extensive inquiry, I see from the terms of reference, so we would not want to curtail the time of the committee.

I noticed one of the terms of reference of the committee says that the committee is:

… to move from place to place (including, but not limited to, major metropolitan and regional centres in Queensland and the committee shall conduct—

and this is a bit unusual itself in Senate committees—

public hearings in Nambour, Ipswich, Mackay, Rockhampton, Kingaroy, Mt Isa, Bundaberg, Toowoomba, Townsville and Cairns).
I am a bit offended that my home town of Ayr has missed out on that, but clearly there is some method in the madness. I would be pleased if someone who is supporting this motion might indicate the significance of those particular towns. What happened to the Gold Coast or, indeed, what happened to the Sunshine Coast—do I see that there?

Senator McGrath: Nambour is there.

Senator IAN MACDONALD: Nambour is not quite Sunshine Coast, although I would bow to your superior knowledge, Senator McGrath, as I know you have recently opened your office in Nambour. But what about—and there is a resort up there somewhere—

Senator McGrath: Coolum.

Senator IAN MACDONALD: Wouldn't it be a good to have an inquiry hearing in Coolum as well? I think that would be most useful. But for some reason it is not on this particular list and I am really struggling to work out why Kingaroy is favoured over Ayr or Ingham or Innisfail or Hughenden. But the movers of the motion will no doubt explain this when they get up to perhaps try to convince us that this is a good idea.

As I go through the terms of reference I have mentioned the chairman of the committee to be set up. I would like to ask Senator Lazarus what argument there is for him being the chairman of this. He is a nice fellow and I like Senator Lazarus as a Queenslander. I am not sure that that I always liked his football affiliations, but I know that he would have been with me in barracking for the Cowboys last week when we were robbed by New South Wales referees. I am sure that Senator Lazarus would have been with us then. But I am just curious about his qualities to be appointed as a chair of this committee. I am not sure how many committees Senator Lazarus has already sat on. I suspect not many and I am pretty confident that he has never been a chair of any committee, so it is interesting that he should be appointed chair. The deputy chair is said to be elected by the committee, which means that it will go to the Labor Party or the Greens—but I would bet that it would be the Labor Party.

A quorum of the committee is to be three votes. The committee is to report from time to time. I suspect as the Queensland election campaign gets underway, you will find the committee wanting to report very, very regularly. Whilst I think this is a farce and an abuse of the powers of the Senate, again, I would be very interested in the reports of the committee on the evidence that I would certainly hope Mr Hedley Thomas might be able to give.

I would also be interested perhaps in a report on a document that Senator O'Sullivan mentioned before and, hopefully, that document that Senator O'Sullivan talked about will be tabled in evidence before the committee. Senator O'Sullivan, I think you said that it was a suggestion to the Deputy Premier of Queensland on how he should determine issues relating to certain railway lines going to proposed coal mines in the Galilee Basin of Queensland.

Senator O'Sullivan interjecting—

Senator IAN MACDONALD: Thank you. I will take the interjection because Senator O'Sullivan has acknowledged that that is what the document is about. Hopefully, that will be tabled. It is something that I hope the committee will report on from time to time as we approach the Queensland election, which, coincidently—as has been mentioned before—coincides with the reporting date as currently proposed for this committee. I am suggesting that, if this motion is at all serious, the reporting date should be extended for another year so that a proper investigation into all the matters that I have mentioned takes place.
I alert senators to another term of reference of this committee. The committee has the power to appoint subcommittees consisting of two or more of its members and to refer to any such subcommittee any of the matters which the committee is empowered to consider. Just think about that for a moment. You can have a committee consisting of two Labor members and no-one else—talk about a closed shop! I have heard about union closed shops, but the unions could learn something from this motion.

Senator O'Sullivan interjecting—

Senator IAN MACDONALD: It could also be, Senator O'Sullivan, a subcommittee of the Greens members—Senator Waters, no doubt—and Senator Lazarus himself.

Senator O'Sullivan: What there could not be is anyone from the government because there are not two of them involved.

Senator IAN MACDONALD: That is a very good point, Senator O'Sullivan.

The PRESIDENT: Order! No interjections.

Senator IAN MACDONALD: It certainly could not be a subcommittee of government members because there will not be two government members on it. This is a complete and utter farce.

Again, I say to people in the Labor Party who I know are appalled by this—we all play politics at times and we all have a cheap shot—that it completely escapes me how people like Senator Faulkner and Senator Moore, who I know respect the traditions and the standing of this chamber, could possibly vote for this sort of motion. It takes all credibility away from the Labor Party. I would have thought that the Labor Party could realise that the people of Australia spoke 12 months ago. I would have hoped they could provide a mature and useful opposition to the government, but they seem more intent on playing these foolish games that just make a farce of the whole parliamentary procedure.

The committee, according to the terms of reference, is to be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee. You can only guess what this committee is going to cost the taxpayer. Here will be a committee wandering around every part of Queensland, and there is no option about this. It is not that it might go to Nambour or it might go to Ipswich. The terms of reference say that the committee 'shall go'—there is no option. So this committee is going to be touring all around Queensland with staff and with Hansard. Just imagine the cost of that.

The resources of the Senate Committee Office are not unlimited. We have many, many important inquiries to conduct. We could be conducting inquiries into national security issues and terrorism issues. They are the sorts of things that this chamber was elected to look at and to oversee—to contribute its wisdom to the government's decisions on matters of terrorism and national security. But is this Senate going to have the resources to do that? No. It is going to be funding five senators who will be wandering around, and, as I said, they have no option because they have to go to hearings in all of these places in Queensland. I know what the airfares are there, I know the hotel costs, I know the secretariat costs and I can only imagine the Hansard costs, and we are going to be doing this instead of concentrating on the real issues. The Labor Party is very big on education and social security. Why aren't we doing some inquiries into those things rather than wasting our time on what is clearly a political
witch-hunt? I can tell the Palmer United Party, from long experience, that this will come back and bite you on the behind. You will regret the day that the Labor Party or the Greens ever talked you into going along with this.

In the balance of this debate tonight—and I know there are a lot senators who want to make a contribution to this debate—I am confident that good arguments will be put forward highlighting the stupidity and the absolute farce of this motion. Again, I plead with the sensible people in the Labor Party: do not create this sort of precedent. It could be that the next motion, should this get up, will be one for a committee to look at the ACT Labor administration or the South Australian Labor administration or—let us take it back a bit further—the New South Wales Labor administration. Perhaps that would be a good inquiry. Is this what we are going to do? Are we going to spend the time of this parliament looking into the actions of Mr Obeid or the guy who was a senator here for a while, my namesake in New South Wales—no relation, I always add—Mr Ian Macdonald? Will we be looking into those sorts of things? Is that a legitimate exercise for the parliament of our nation? Of course it is not. We have more important business to do.

As I say time and time again, Campbell Newman would have nothing to fear. In fact, in the wonderful first speech just given by Senator Wang, I noticed that he made reference to 'can do', and I am pleased that Premier Newman has taken on the title of 'Can Do' Campbell. Campbell Newman has done a wonderful job in Queensland and has nothing to fear from an inquiry like this. Senator Wang, in your maiden speech, which was very good—congratulations, it was a wonderful speech—you indicated that it is essential that you do your research. I suggest to you that this is a great example. You should have done some research into this motion before becoming part of it. Senator Wang, you did say that we should listen to all sides. But, with a committee of one government, two Labor, one Green and one PUP member, you are not going to get all sides of this debate put before you. (Time expired)

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (17:59): Mr President, I seek leave to make a brief statement in relation to the last vote of the Senate.

Leave granted.

Senator ABETZ: I thank the Senate. It has been brought to my attention that the last vote did not reflect the will of the Senate. As I said earlier in this debate, I do believe in the precedents, conventions, principles and decency required for this place to operate. On that basis, I suggest that the last vote be put again. I can indicate on that occasion, whilst we are still vehemently opposed to the matter before the chamber, we will let it be decided on the voices without calling for a division.

The PRESIDENT: Thank you, Senator Abetz. I now propose to put the question that Senator Lambie put and that was that the question be now put.

Question agreed to.

The PRESIDENT: The question now is that the amendment moved by Senator Abetz to Senator Lazarus's motion be agreed to.

A division having been called and the bells being rung—

Senator Ian Macdonald: Mr President, in the interregnum can you indicate to me the status of the amendments that I foreshadowed in my previous speech?
The PRESIDENT: Senator Macdonald, this amendment is now going to be dealt with. The amendment that you foreshadowed and Senator Mason indicated are to the substantive motion, which is notice of motion No. 418. If we get to the point where formality is sought for that motion and granted, then the opportunity for any senator to move an amendment will occur.

The Senate divided. [18:05]

(The President—Senator Parry)

Ayes .....................30
Noes .....................32
Majority .................2

AYES

Abetz, E
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Heffernan, W
Macdonald, ID
Mason, B
McKenzie, B
O'Sullivan, B
Payne, MA
Ruston, A (teller)
Scullion, NG
Smith, D

Back, CJ
Brandis, GH
Cash, MC
Day, R.J.
Fawcett, DJ
Fifield, MP
Leownhjelm, DE
Madigan, JJ
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ryan, SM
Sinodinos, A
Xenophon, N

NOES

Bilyk, CL
Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Lundy, KA
McEwen, A (teller)
Moore, CM
O'Neill, DM
Rice, J
Sterle, G
Waters, LJ

Brown, CL
Cameron, DN
Collins, JMA
Dastyari, S
Faulkner, J
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
Marshall, GM
McLucas, J
Muir, R
Rhiannon, L
Siewert, R
Wang, Z
Wright, PL

PAIRS

Bernardi, C
Bushby, DC

Whish-Wilson, PS
Milne, C
The question was negatived.

The President (18:07): Senator Macdonald, did you have a question of me?

Senator IAN MACDONALD (Queensland) (18:08): Yes. I wanted to move the motion I foreshadowed, after Senator Abetz’s motion for an amendment is put.

The President: Just a moment, Senator Macdonald; I will just take some advice. Senator Macdonald, it is how I explained it to you earlier. We now have one more step of the motion to go through—that is, the procedural motion moved by Senator Lazarus. If that takes effect, then Senator Lazarus has the right to move notice of motion No. 418 and then any senator has the right to amend or seek leave to amend 418. As everyone is clear on this, the question now before the chair is the motion moved by Senator Lazarus.

Senator Conroy interjecting—

The President: No, it is not amended. The amendment has just failed. So the question is that the motion, as originally moved by Senator Lazarus, be agreed to.

The Senate divided. [18:10]

(The President—Senator Parry)

Ayes .................... 32
Noes .................... 30
Majority ............... 2

AYES

Bilyk, CL
Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Gallacher, AM
Ketter, CR
Lazarus, GP
Ludlam, S
Lundy, KA
McEwen, A (teller)
Moore, CM
O’Neill, DM
Rice, J
Sterle, G
Waters, LJ

NOES

Abetz, E
Birmingham, SJ
Canavan, M.J.

CHAMBER
Question agreed to.

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (18:13): I move the motion as amended:

(1) That a select committee, to be known as the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs, be established to inquire into and report on:

(a) the amount of Commonwealth funds allocated or paid to the State of Queensland since 26 March 2012, with particular reference to:
   (i) the purposes for which the funds were appropriated by the Parliament,
   (ii) performance measures in relation to Commonwealth funds paid to the State of Queensland,
   (iii) identified breaches of funding agreements or conditions,
   (iv) the proportion of the Queensland State budget derived from Commonwealth funds, and
   (v) whether any Commonwealth funds have been used by the State of Queensland for state government advertising or party political purposes,

(b) the administration of the Queensland courts and judicial system insofar as it relates to cross vesting arrangements, with particular reference to judicial independence and separation of powers;

(c) approval process for the development of projects for the export of resources or services insofar as they are administered by the Commonwealth or under a bilateral agreement with the Commonwealth;

(d) the extent to which Queensland State Government policies and practices are consistent with Australia’s obligations under international environmental law instruments;

(e) whether it is appropriate for the Federal Minister for the Environment to delegate his approval powers to the Queensland State Government under the Environment Protection and Biodiversity Conservation Act 1999 by way of approval bilateral agreements or strategic assessments;
(f) the extent to which Queensland State Government policies and practices are consistent with Australia’s obligations under international human rights instruments, with particular reference to:

(i) the administration of prisons, and
(ii) detention without trial; and

(g) any other matter the committee considers relevant.

(2) That the committee presents its final report on or before 31 March 2015.

(3) That the committee consist of 5 senators, 1 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens, and 1 to be nominated by the Leader of the Palmer United Party.

(4) That:

(a) on the nominations of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and minority groups and independent senators, participating members may be appointed to the committee;

(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.

(5) 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.

(6) That the committee:

(a) appoint as chair the Leader of the Palmer United Party in the Senate; and
(b) elect as deputy chair a member elected by the committee.

(7) 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.

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

(9) That the quorum of the committee be 3 members.

(10) That the committee and any subcommittee have power to send for and examine any person and any document, to move from place to place (including, but not limited to, major metropolitan and regional centres in Queensland and the committee shall conduct public hearings in Nambour, Ipswich, Mackay, Rockhampton, Kingaroy, Mt Isa, Bundaberg, Toowoomba, Townsville and Cairns) to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives.

(11) That the committee shall report from time to time its proceedings and the evidence taken and such interim recommendations as it may deem fit.

(12) That the committee has power to appoint subcommittees consisting of 2 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to consider.

(13) 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.

(14) That the committee be empowered to print from day to day such papers and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (18:14): I move the following amendment to the motion:
Paragraph (1)(a), omit “26 March 2012”, insert “21 March 2009”.

The PRESIDENT: The question is that the amendment to Senator Lazarus’s amended motion be agreed to.

The Senate divided. [18:15]

(The President—Senator Parry)

Ayes .................... 38
Noes .................... 24
Majority ............... 14

AYES

Abetz, E
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Di Natale, R
Fawcett, DJ
Fifield, MP
Heffernan, W
Ludlam, S
Madigan, JJ
McGrath, J
Nash, P
Parry, S
Reynolds, L
Rice, J
Ryan, SM
Siewert, R
Smith, D
Wright, PL

Back, CJ
Brandis, GH
Cash, MC
Day, R.J.
Edwards, S
Fierravanti-Wells, C
Hanson-Young, SC
Leyonhjelm, DE
Macdonald, ID
Mason, B
McKenzie, B
O’Sullivan, B
Payne, MA
Rhiannon, L
Ruston, A (teller)
Scullion, NG
Sinodinos, A
Waters, LJ
Xenophon, N

NOES

Bilyk, CL
Bullock, J.W.
Carr, KJ
Conroy, SM
Faulkner, J
Ketter, CR
Lazarus, GP
Ludwig, JW
Marshall, GM
McLucas, J
Muir, R
Sterle, G

Brown, CL
Cameron, DN
Collins, JMA
Dastyari, S
Gallacher, AM
Lambie, J
Lines, S
Lundy, KA
McEwen, A (teller)
Moore, CM
O’Neill, DM
Wang, Z

PAIRS

Bernardi, C

Whish-Wilson, PS

CHAMBER
The question now is that the motion moved by Senator Lazarus, as now amended, be agreed to.

Senator IAN MACDONALD (Queensland) (18:18): by leave—I indicate that I had foreshadowed an amendment; but, now that the motion includes the previous Labor government, I do not mind the report coming in just before the next state election!

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Budget

The PRESIDENT (18:19): A letter has been received from Senator Moore:

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

"The impact of the Abbott Government's proposed budget cuts on pensioners, families and young jobseekers."

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 BILYK (Tasmania—Deputy Opposition Whip in the Senate) (18:20): I rise today to speak on the very important matter of the impact of the Abbott government's proposed budget cuts on pensioners, families and young jobseekers. If you want to find a definition of 'unfair', you need look no further than the Liberal Party's 2014-15 federal budget. If you want to find a manual on how to penalise and target marginalised people in our society, you need look no further than the Liberal Party's 2014-15 federal budget.

This MPI debate is a very important one because almost every Australian is affected or cares for somebody who is affected by these changes. These cruel cuts to pensions, family payments and young job seekers do not hurt faceless, fairytale bludgers out in tabloid TV land; these changes hurt Australian grandparents, sons, mothers, nieces, nephews. For those listening at home, these changes could hurt your aunt, your sister or your pop. These cuts do not hurt abstract figures on a spreadsheet; it is your family and your friends who are being hurt by these cruel cuts It is people you care for who will be affected.
These cuts cannot and should not be looked at in the cold, calculating way that this Liberal government has been looking at them. Real people will be hurt. The Liberal and National senators opposite should have the fortitude to look those people in the eye and explain why they think that those who are the least well off in Australian society should pay more than those with a high capacity to pay, because, before the election, the Prime Minister, Mr Abbott, said there would be no cuts to pensions. He said that there would be no changes to pensions and yet he has already passed the Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill and the Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill in the House, and we will be debating them here in this place very soon—although, if this afternoon is anything to go by, it might be a few days off.

Two point three million aged pensioners will have less money in their pockets as a result of the Prime Minister's lie. Australian pensioners feel absolutely betrayed by this government, and so they should. This government was happy to promise no changes to pensions but then turn around and attack them immediately. Mr Abbott and his government, as I said, should be very, very ashamed. Because of their cruel budget, pensioners will need to decide between heating their homes and eating. They will put off visiting the doctor or buying their medicines because health care will become unaffordable. Australian pensioners will experience pain and suffering because of the cuts and the taxes of this government. This is absolutely despicable, especially in a nation as prosperous as Australia. To think that this government wants to rip away support for people who have worked their entire lives to build this nation I find quite disgusting. I believe Australian pensioners deserve better, as do our young job seekers.

There are many harsh measures in this budget but perhaps none as harsh as the cuts to young job seekers. The government is willing to throw an entire generation on the trash heap. This measure will see young people left without any income support at all for a period of six months, and possibly longer, when they become unemployed. What are they supposed to live on? How are they meant to pay their rent? When the number of job seekers outnumbers the jobs by five to one, what is this measure supposed to achieve? How exactly will it help? Who will it help? It will not help at all.

The government want to shift the blame onto young job seekers for not being in work rather than do the hard yards to ensure that young job seekers find work. They know that they are tens of thousands of jobs behind in their promise to create one million jobs, and they want to blame unemployment on the unemployed. The Liberal-National government are saying to young people who lose their job, 'Sorry, mate, you're on your own.' If, after six months without income support, the young person has not found a job, the Abbott government will require them to take part in the Work for the Dole scheme. If, after six months in Work for the Dole, they still do not have a job, they will lose their payments for a further six months. This measure confines young people to an endless cycle of periods without income support. In my book, that is unfair. It is cruel and it is counterproductive. This measure will see many young job seekers pushed into poverty, crisis and homelessness. Unfortunately, it could have even worse effects for those with no income and no support base.

This budget includes extra money for the emergency assistance that the government believe will be required as a result of this measure. They know this budget is so cruel that they will need extra emergency assistance for around 500,000 young Australians, yet they still made these cuts. They knew how cruel it is going to be, but they still went ahead and did it. The
government are making decisions which they know will push people into poverty. It is deliberate; it is callous; it is unwarranted. Those opposite should all be ashamed. Nowhere in the cruelty of the government have I seen anything more on display than in the harsh measures that they are going to impose on young job seekers.

Unfortunately, though, Australian families are also under attack by the Abbott government through the cuts to family payments. The social services and other legislation amendment bills, which we will be debating soon, include $7.5 billion in cuts to family payments. Once again, who is going to suffer? Low-income couples with children and single parents will be those who suffer the most. These bills seek to freeze the rates and thresholds for family tax benefits, including the low-income free area of $48,837 for those who receive the maximum rate of FTB-A. According to the Department of Social Services, a freeze to the low-income free area for FTB-A alone will see more than 370,000 families around $750 a year worse off in 2016-17.

This comes at the same time that the Prime Minister, with the Palmer United Party's help, has abolished from December 2016 the schoolkids bonus, with eligible families losing $410 per year for primary school aged children and $820 a year per secondary school aged child. Low-income parents will have to make hard decisions about what excursions they can afford to send the kids on and whether the kids can last another term without a new uniform.

There are no two ways about it—this budget is cruel to families. As a result of this budget, a single-income couple family on $65,000 with two school aged children will be around $6,000 worse off each year by 2016. That is around 10 per cent of their entire family budget. This is an utterly extraordinary attack on Australia families. They were promised by Mr Abbott and his cronies that they would be better off under his government. Can you really tell Australian families that they are better off when you have ripped $6,000 straight out of their pockets? These cuts are so terrible that you think they have to be a joke, but, unfortunately, they are not.

I would like to take a moment to remind the crossbenchers that, if they vote for the social services and other legislation amendment bills, they will be voting to cut pensions for millions of senior Australians, to lift the retirement age, to cut family tax benefits and to leave unemployed young people without any income for six months, along with a host of other changes that will attack the most disadvantaged of their constituents. If they vote for the social services and other legislation amendment bills, they will be absolutely complicit with this attack on Australian families, pensioners and youth. They will have to explain to the families, pensioners and youth why they voted with the government to support ripping away money from those who need it the absolute most.

The Prime Minister has talked a lot about 'Team Australia' lately. He wants everyone to be on his team. If so, maybe he needs to start treating all players with respect. He needs to not attack the most vulnerable. He needs to start paying attention to their views rather than riding roughshod over them. Mr Abbott's Team Australia is not going to be built on attacking families, attacking pensioners, and attacking young job seekers. This government need to take their cruel changes off the table and think about their purpose of governing for all Australians. This government are completely out of touch. Their priority is to help their mates in the mining sector and help big polluters at the expense of everyone else. Australians are angry at
this government's callous cuts to families, young job seekers and pensioners—and they have every right to be so.

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (18:30): I have in my hot little hand Senator Moore's matter of public importance for this afternoon, and I have to say that the impact of the Abbott government's proposed budget cuts on pensioners, on families and on young job seekers—or, for that matter, anyone else—is absolutely nothing compared to the impact on pensioners, families and young job seekers in the future if public expenditure is not brought under control. Is there an impact on pensioners, on families and on job seekers from the current budget? Yes, there is. I do not deny it. But, if it is unfair—and that is what the Labor Party is arguing—it is nowhere near as unfair as when future generations will be asked to pay for current generations. If public expenditure is not brought under control, future generations will be paying for us.

Is it fair to ask future generations of pensioners to pay for our current health, education and welfare? Is it fair to ask future generations of families to pay for our current health, education and welfare? Is it fair to ask future generations of young job seekers to pay for the current generation's health, education and welfare? How is that fair? How is it fair that, in less than 10 years, pensioners, families and young job seekers—all the people mentioned in Senator Moore's matter of public importance—will be paying $3 billion interest per month to finance our, the current generation's, health, education and welfare? Is that fair?

Only after future taxpayers have paid the $3 billion interest per month—and that will happen within 10 years—can any government, a coalition government or a Labor government, start to service their needs. Under current projections, before any money is spent on future generations—even one cent—future generations will have to pay back $3 billion per month simply to service the interest rates. How is it fair that, in 10 years, every pensioner in this country will be in debt for $25,000? How fair is it that, in 10 years, every member of every family will be debt for $25,000? How fair is it that, in 10 years, every job seeker will be in debt for $25,000 to pay for the current generation's health, education and welfare? The coalition believes that, in the end, it is pretty simple: it is only fair when generations pay for themselves—with allowances made for intergenerational infrastructure, I grant you. The coalition believes that, fundamentally, the only socially just budget, the only socially just deficit, is where generations pay for themselves.

What has happened since World War II? What has happened is that social democratic and socialist governments have changed their spots. In the past, without apology and quite openly, the left used to believe in redistributing money from the rich to everyone else. They used to say, 'Eat the rich'. It was quite open. In postwar Great Britain, it was quite open. But then, with modernising social democracy, in the late 70s, the 80s and the 90s, the social democrats discovered that there were not enough rich people and that their policy of eating the rich actually was an electoral risk. They realised not only that it was economically ridiculous and it would make the left an economic basket case but also that they lost too many votes and they would never be elected.

So what happened? What did Labor parties here in Australia and social democratic parties overseas do to raise funds for the great social democratic projects throughout the Western world? They became very, very cunning. Rather than openly talk about eating the rich and redistribution, they became very cunning. Rather than risking electoral backlash from the
better-off, the social democrats decided to take from the powerless the money that they needed. The Labor Party always say that they stick up for the powerless—anyone listening will have heard that—but they take the money from the powerless. They take it from those people who are too young to vote and those people yet to be born—future generations.

What the left in the Western world—the social democrats and the socialists—realised was that they could not take the money from the rich anymore because there were not enough of them. So, instead, rather than eating the rich, they decided to eat the children and the next generation—because, to eat them, there are virtually no electoral repercussions. How clever it was of the left to discover that! Rather than bluntly, honestly and openly saying, 'We want to redistribute wealth from the wealthy to the not-so-wealthy,' they are now redistributing wealth from the future—from kids not yet born and from the young—to current generations to service their wants. The left believe that is socially just to ask future generations in this country to pay for their living standards today—and they should be damned for that.

I respect people like some of the old Lefties who quite honestly and openly get up and say, 'No, we should tax the wealthy more.' I disagree with Senator Cameron and Senator Carr on virtually everything, but at least they are honest. But, to finance the social democratic project, this modern Labor will take money from those yet to be born and our children. They will take money from them because they cannot pay the deficit. Every time the Labor Party get into office they leave Australia further in debt. They have done that every time they have been elected since 1904. There has never been an exception in the history of the Labor Party—not once in 110 years. They always leave Australia further in debt, and it has got a lot worse. It got so much worse in the Rudd and the Gillard years when they deliberately and wantonly took money from children who are not yet born and people who cannot yet vote to pay for the services and to secure the support of the electorate. It is the most pathetic vote-buoying performance.

They are not the only ones. Western Europe has been wallowing. The social democratic parties of Western Europe have done this for years and they are condemned for asking future generations to fund the health, education and welfare bills of the current generation, asking our kids to look after us. It is the worst part of social democracy. I am quite happy to have a debate with anyone about who should be paying the bill, but there is the farce that the Labor Party comes back with every time about how unfair it is. I will tell you what is unfair: you lot over there forcing future generations to pay for your electoral promises. For your electoral promises, you want your children and your grandchildren and kids yet born to pay for your bill. It is a moral disgrace.

Opposition senators interjecting—

Senator MASON: You have senators over there gibbering because they know what they have done. They are quite happy to ask my children and my grandchildren to pay for their electoral promises. It is the most disgraceful aspect. These are the people who talk for the coalition about talking for the powerless. They talk about social justice and they take money from people who are not yet born and our children, and they expect us to take them seriously. The Labor Party is not only absolutely economically incompetent but morally corrupt. It is a disgrace. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:40): I rise to contribute to this debate because I agree with the proposition that there are impacts of the
Abbott government's proposed budget cuts on pensioners, families and young job seekers. Impacts can be positive or negative. In this case, they are extremely negative. It is widely recognised. Every witness and all the submissions, except for the government's submission, in the inquiry into the budget cuts delivered through social services bills 1 and 2 clearly showed the negative impacts on pensioners, families, young people and single parents. The impacts that this budget will have are endless.

Some of the cuts do not cut in until 2017. The government thought they were being really smart. They promised they would not make cuts to pensions, so they think they can fool Australians by saying, 'Don't worry about the indexation measure,' which ACOSS calculates, when the full ramifications kick in, will decrease pensions by $80 a week. The government is trying to be very cute by saying, 'But that's not a cut.' I am sorry, but in everybody else's definition that is a cut. When you take money out of people's pockets through legislative change, that is a cut.

The government have also increased the retirement age. If you were having a proper, fully considered legislative approach to the way we address retirement age, some people might think raising the retirement age to 70 would be reasonable if you deal with all of the ramifications. The simple fact is that the government have not dealt with the ramifications. They seem to ignore the fact that older Australians are falling out of the workforce and are not able to regain employment because of age discrimination and the need for training and skill development, which they are being denied. Raising the retirement age means you condemn people to living on Newstart, which is now $170 below the age pension. So older Australians cop it through this budget in a number of ways, not to mention the impact of co-payments and other measures that are contained in the budget.

When we were looking at the Senate inquiry, a number of organisations made very good submissions. St Vincent de Paul made a good submission and articulated the issue around the modelling that NATSEM had done. They said that it had made it clear that this budget is raising revenue by taking income from disadvantaged people in far greater proportions than from the affluent. They said:

As a result of changes to pensions, family allowances, unemployment benefits, and other social security payments, the poorest one-in-five Australian families will be hit for up to 10.8% of their income in 2017-18. By contrast, the richest … families can expect to forego a maximum of 1.7% in the same period.

We just listened to Senator Mason's contribution when he was talking about robbing future generations. That is a complete nonsense argument when you look at the fact that the government are ignoring revenue measures that are here now—revenue measures that they could use to raise revenue so that we do not make the poorest, most vulnerable members of our community pay for their ideologically driven decisions. That is what this is about. This is not about reducing debt; this is about their ideological agenda to get those who they see making a lifestyle choice to live on income support. That phrase has been repeated in this place a number of times. There have been comments made about young people living on the couch instead of getting work. That is so far from the truth it is laughable. They talk in this place—and they have done it again today—about handouts. No, we have a social security safety net to help people who are unemployed, to help the most vulnerable in our community. They choose to take the approach of demonising those who unfortunately have not been able
to find work, who are unemployed. Instead of offering support, proper case management and access to proper training that is going to help people into work, they choose to demonise people and put even more barriers in their way.

When you look at the impact on young job seekers, the cruelest budget measure is dumping young people under 30 onto no income support—nothing, zilch—for six months. But this is not just a waiting period; it will be rotational. So if they are unlucky enough not to find work in that first six months, they will be doing work for the dole, with no proper training or support there, and then they will be back onto no income support.

Poverty is one of the biggest barriers to be overcome to find work. If you have no money, how can you even buy the basic essentials? What the government has cleverly done is say: ‘You can go and get emergency relief. We've given a bit more money for emergency relief.’ What they do not mention is: 'We've cut that money out of the Department of Social Security's discretionary grants program. In fact, we haven't given more money; we have just taken more money away from another program that might provide that help.' How can you look for work and put in 40 job applications a month—which the government still says is what they are going to be doing—when you do not know whether you are going to have a roof over your head, if you do not know whether you are going to be able to maintain your accommodation. All your energies are consumed in living from day to day. But that is one of the biggest barriers they are going to put in place for young job seekers.

And then we go to the impacts on single parents. Not content with starting the attack on single parents, which the conservatives did under the Howard government, not content with the cuts that the Gillard government then made, they have to hit single parents and their families yet again. The indexation reductions that they are making to pensions for those on parenting payment single and parenting payments hit straightaway. They do not even have the decency to wait until 2017 when they are lowering the indexation for other pensions; they are lowering them straightaway—another cut to income support for single parents who are raising the next generation.

Senator Mason spoke about impacting on future generations. Well, the government are impacting on future generations with these budget cuts because they are damaging the prospects of those young people. We know what growing up in poverty does for young lives. It can affect your prospects for the rest of your life. That is what they have been doing to the single parents of this country and their families. They conveniently forget that being a single parent means you have children you are trying to raise. When you cut support for single parents, it actually means you are cutting support for their children as well. Those single parents deserve our support. We are starting to see the impacts of the cuts that the previous governments have made to single parent payments. We know that many of them are already worse off. And not content to just get the funding they are getting, they are also cutting the pensioner education supplement. What do you think that is going to do to the prospects of single parents when they are trying to raise their family and, sometimes, managing a part-time job and improving their education so that they can get a better job and raise their children not in poverty and afford access to activities that other people take for granted.

People with disabilities access the pensioner education supplement. This budget is going to hit people with disabilities because the government are targeting them as well. It was no coincidence that the front page of the paper was running articles demonising people with
disabilities at the time these draconian budget measures were announced. This budget will adversely impact on young people, pensioners and families.

**DOCUMENTS**

**Consideration**

The following orders of the day relating to government documents were considered:

- Aged Care Pricing Commissioner – Annual report 2013-14 – Section 95 of the *Aged Care Act 1997*
- Protection Visa Processing taking more than 90 days for the reporting period 1 March to 30 June 2014 – Section 91Y of the *Migration Act 1958*
- Refugee Review Tribunal – Report pursuant to section 440A of the Migration Act on the conduct of refugee review tribunal reviews not completed within 90 days for the period 1 March to 30 June 2014 – Section 440A of the *Migration Act 1958*
- Aged Care Commissioner – Annual Report 2013-14 – Section 95 of the *Aged Care Act 1997*

**ADJOURNMENT**

The **ACTING DEPUTY PRESIDENT (Senator Marshall)** (18:50): Order! I propose the question:

That the Senate do now adjourn.

**ALP Cost of Living Committee**

**Senator CAROL BROWN** (Tasmania) (18:51): I would like to take this opportunity to talk about the recent launch in Hobart of the ALP caucus Cost of Living Committee. The committee is chaired by Ms Terri Butler and the secretary of the committee is Senator Sam Dastyari. The committee held hearings in Hobart because, as many senators would know, Tasmania has a high level of unemployment, a high level of chronic disease, a high level of people living on welfare and the highest aged population in Australia. The cost-of-living
issues that were raised were particularly important in terms of the budget brought down in May by the Abbott government.

Some of the issues that were raised there included the fact that people were concerned about income inequality, access to public transport and, in particular, access to education. Another issue that was raised and that got a lot of focus was the issue of privatisation, particularly of our energy infrastructure. Fortunately, some of the people who attended were able to give expert views on what the result of privatisation of electricity in other states had actually delivered. It was not good news and of course you, Deputy President Marshall, would know that because we are of course talking about Victoria as well. Many expert views were put forward. A number of organisations that attended actually dealt with the issue of people who are doing it tough, people who are vulnerable and also people who have a number of vulnerabilities in terms of drug and alcohol misuse. A particular organisation was very concerned about what would happen if a number of the measures that were put forward by the Abbott government were realised.

We are talking in particular about the under-30s measures and the concern around that and about how people are already finding it hard to make their precious dollars actually stretch from week to week, to be able to provide for their families. Some people there were concerned that currently they are not able to provide all the necessities. I am only talking about the necessities from week to week. I am not talking about extra activities for their children, the extra activities that normally come when children go to school such as an extra excursion. And that costs money. Some families cannot provide these things for their children.

So we already have a very tight budget and, in fact, as I have said some families are not even able to meet that budget now. There is now quite a lot of concern about what would happen if some of the measures under the Abbott government's budget are realised.

In particular we talked about the interest that applies to a number of credit cards and same-day loans. I am not sure that is the correct terminology, but there was a concern and a story was told—(Time expired)

Penalty Rates

Senator KETTER (Queensland) (18:55): I rise tonight to talk about the issue of penalty rates and also briefly talk about an issue which the government sometimes claims is on the backburner but which is surely waiting in the wings for the right time to re-emerge. Penalty rates are, of course, a very important part of the take-home pay of low-paid workers. These days, employers argue that penalty rates are anachronistic in our modern economy. But I can assure you that, for the workers in receipt of those penalty rates, those penalty rates are definitely not anachronistic. They help to put food on the table and assist low-paid families to meet the cost of living.

The alarm bells are ringing on this issue of penalty rates at the moment, partially because of the comments that have been made by a number of coalition members in recent times. I particularly draw the attention of the Senate to the comments of the Prime Minister, on 6 September, when he ruled out lowering or abolishing weekend penalty rates. When it comes to penalty rates and indeed a range of other issues that impact upon ordinary working people, we know that we cannot trust what this Prime Minister has to say. By way of context, I wish
to give something of a background to the form that the coalition has in reverting to type on its core beliefs: in introducing the GP tax and in delaying superannuation increases. We have two textbook coalition examples of how to bring in policy through the back door without first taking it to an election.

On the GP tax we first saw the Prime Minister's former health adviser quietly sneak the idea out in October last year, just a month after the election. It was then worked into the Commission of Audit before becoming a cornerstone of this friendless budget—a tired budget, which was still wondering these corridors, in September, in search of somewhere to have a good lie down and be put to rest.

With regard to superannuation, the Prime Minister and the Treasurer were a little less subtle on how they reneged on their promises to the Australian public. The coalition have talked themselves into a standstill over the last 18 months, swearing that no changes to superannuation were being contemplated. This was before the events of the last sitting week, during which the dirty deal was done, when legislation delaying the increase in superannuation contributions to 12 per cent was rammed through this parliament.

What have the government said on penalty rates in recent weeks? We have seen the Assistant Minister for Infrastructure and Regional Development, as reported in *The Australian Financial Review* on 13 August, saying:
This is an area we must reform …
And further:
We cannot accept that on New Year's Eve you can't attend your favourite restaurant because it is impossible for that restaurant to pay its staff to open up.

On 3 September, Senator Abetz said that workplace laws remained a 'top priority' for the coalition, as he promised further changes to IR laws in a second-term Abbott government. Alex Hawke, on ABC radio, on 4 September, said:
I think given that Sundays are no longer sacrosanct, the idea of Sunday, having to pay a 75 per cent loading was an old concept. There's no real reason or modern defence for paying such a loading on a same trading day as any other.

In *The Courier-Mail* on 10 September, Senator James McGrath stated: 'We should be encouraging people to work, not hit employers with penalty rates.' The most damning quote of all comes from the Minister for Employment himself, who stated that workplace relations have been:
… cooled down substantially, temperature wise, which is if I might be so bold … exactly what the Coalition wanted … if you want your changes to last you've got to do it in evolutionary steps, not revolutionary steps.

There we have it. So we can all be absolutely certain what these evolutionary steps are, let us spell it out: the minister will first be increasingly letting his backbenchers off the leash to say what they really think about penalty rates; then, when the Productivity Commission gets around to it, the minister will claim some sort of groundswell of public opposition to penalty rates. You can bet that the last step will be a feigned change of heart, requiring the government to revisit their solemn promises to not tamper with penalty rates. I reiterate my point that penalty rates are extremely important to low-paid workers and I would urge this government to stop putting its hands in the pockets of those who are— *(Time expired)*

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CHAMBER
Point Peron

Senator LUDLAM (Western Australia) (19:01): I want to speak to note about an issue that has captured the imagination and attention of an increasing number of Western Australians, and that is the impending debacle of a new 500-berth marina project at Point Peron in the southern metropolitan area of Perth. What we have seen in recent months, and I am presuming Senators from across the country have caught this, is that the environmental approvals process in Western Australia is profoundly broken. We have very recent revelations that 25 projects approved by the West Australian EPA over the last decade are linked directly to conflicts of interest on the board. Originally the Labor government, and more recently the Barnett government, was appointing people who were deeply conflicted on the proposals that they signed off on but who were meant to be holding on to the public interest. They are not declaring that conflict of interest and they are letting projects go ahead. It is a huge debacle and it has fatally undermined confidence in the environmental approvals process in Western Australia.

Instead of moving to fix this and restore the integrity of, and confidence in, the system, the Barnett government has rushed through retrospective legislation to say, 'Look, don't worry about all these mining projects and other projects across Western Australia. There's no conflict here; there's no corruption here. Let's just pretend that nothing happened.' Legislating retrospectively in that regard is absolutely unforgivable. My state MLC colleagues Lynn MacLaren and Robin Chapple have called for the dismissal of EPA board members and a structure that prevents this kind of corruption and conflict of interest, particularly on large industrial projects where the environmental, social and economic impacts can be absolutely profound.

The Roe highway stage 8 extension that the federal government has blindly dropped hundreds of millions of dollars on, even though the state government appears in complete chaos as to whether it is going to go ahead or not, and the destruction of the Underwood Avenue bushland are two projects that have been strenuously fought by surrounding communities who adore those bits of bush and do not want to see them go under bulldozer blades. They are two projects that have been caught up in this EPA conflict-of-interest scandal. One that has not yet, but which is nonetheless emitting increasing amounts of stench, is the proposal by Cedar Woods and Landcorp, the state government land development agency, to dump this canal development on Point Peron. This is part of the Perth metropolitan area and a really precious coastal area. I can remember going down there as a kid; I could not believe it afterwards when the locals were telling me that this was the impact area that was supposed to be smashed up by this canal development.

A 1964 agreement signed by the prime minister of the day and the premier of the day, saying that this precious block will remain in public hands, in reserve until the end of time, has been violated by both parties. I have been told by Senator Cormann, who is now the responsible minister, that it is not worth the paper it is printed on. Well, a deal is a deal, and that is what the community is saying. There is no business case and yet the proponent is allowed to claim there will be a $1.3 billion benefit to the area. The water data on groundwater modelling is completely false or absent and this is absolutely crucial, because a similar development not too far away is salinising people's bores. It is for this reason I want to congratulate our Commonwealth environment minister, Minister Hunt, for doing something
somewhat unusual this week, and that is stopping the clock. That is an acknowledgement that there is something wrong with this proposal. I want to encourage Minister Hunt, now that he has actually given himself time to make the right decision—and I congratulate him for doing that—to save Point Peron, this precious park and this precious wetland bit of coast that means so much to so many people, for ever.

More than 10,000 petition signatures to date were tabled by Lynne McLaren MLC. We collected 520 signatures in one day at a picnic and rally held just the other weekend attended by more than 700 people. We have more than 200 postcards which I will be personally delivering to Minister Hunt this week. This is a campaign with very strong community momentum, backed by good science that has utterly demolished the economic case. We have a $2 shell company now claiming to be able to carry the development out, which to me smells like exactly the same kind of disaster as has occurred at Port Geographe in the south-west, where the Western Australian taxpayer has just picked up a $30 million tab for cleaning up the rotten seaweed that was washing up because of the damage they did to the coastal ecosystem.

I met a girl called Kasumi at the rally and she gave me this hand-drawn picture of the beach and Lake Richmond, a freshwater lake that is threatened by this proposal. She said to me, 'I made this drawing to save Point Peron.' Minister Hunt, that is what you need to do.

Bullying

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (19:06): Bullying is a scourge and we all have a role to play. Firstly, we can ensure that we ourselves do not engage in it personally. Secondly, we need to express our disapproval in no uncertain terms to those who engage in this unacceptable practice. Thirdly, we can offer comfort, support and succour to those who are the victims of bullying.

In recent times I had reinforced to me the potential consequences of bullying when I was presented with a 49,000-strong petition calling for law reform in this area. The petition was tabled and presented earlier today. The petition was presented to me on Saturday, 6 September, by Chloe Fergusson's sister, Cassie Whitehill. The presentation occurred at Blackmans Bay beach, my local beach, where I grew up, learnt to swim and still go running from time to time. It is a great community asset.

Chloe Fergusson, too, enjoyed Blackmans Bay beach. She no longer can, because she is no longer with us—the result of what is suspected to be suicide, which occurred just over one year ago, as a result of sustained bullying. The close group which presented me with the petition represents the charm of my home state of Tasmania. One of the group is a friend of a child of mine; another was in the wedding party of a brother of mine. The point I seek to make is that Chloe was part of a close-knit community where people know each other. Despite this, a year or so ago it appears she took her life. A coroner's inquest is still to be held. However, it appears—and the facts as outlined to me are—that, at first, unknown to her family, Chloe's life was being undermined by a steady dark encroachment at her high school, where she began to be subjected to sustained and systemic bullying. Her family became aware of the problem, and made numerous representations to the school and sought counselling. In the end, it was decided that Chloe should change schools. Despite this family support, in the words of her family: 'Chloe was living a secret nightmare.' On 10 September last year, Chloe
stepped off her school bus and was met by a group of girls who set about attacking her, punching her and ridiculing her. Chloe did not fight back. One of her attackers recorded the ambush on her mobile phone and then put a message on Facebook inviting others to see the footage. Two days later, unable to cope with this private pain and not knowing where to turn, Chloe appears to have made the heartbreaking decision to take her own life. She was 15.

Stories of school bullying are not new. We have witnessed many examples of the impact of savage words, especially on young people at school or starting out in the workplace. But the advent of social media over the last 20 years has meant that the significant effect of bullying in the classroom or the playground can be compounded many times in magnitude because of the almost instantaneous publishing and reach of bullying images and wounding comments. This cyberbullying is a real threat to the social fabric of our society and a threat that has a particular impact on young and vulnerable Australians, especially the sending of hateful text messages or the posting of malicious comments. This is a real and present danger to the health and wellbeing of young Australians.

The community outpouring at the loss of Chloe has been reassuring and heart-warming for her family and friends. As a community, we all need to be more alert to ensure that our support is provided earlier.

It has been a privilege to be asked to present the petition which was tabled earlier today, as has been the interaction with Chloe's family and friends.

Bullying needs to be opposed in all its forms. And remember: that starts with you and me. But government does have a role, and that is why the parliamentary secretary for communications, the Hon. Paul Fletcher, on 17 September, just recently, announced that the government was preparing legislation to establish a children's e-safety commissioner to enhance online safety for children. I commend the government on this initiative.

I salute Cassie Whitehill and her supporters for their determination to make a difference—a difference for good. Chloe's voice has been, and will be, heard.

**Evans, Mr Harry**

**Senator FAULKNER** (New South Wales) (19:11): Tonight I want to recognise the public service of a very private man, Harry Evans. Harry was the longest serving Clerk of the Australian Senate ever, but it is the quality, not the quantum, of his service I want to acknowledge this evening.

Harry was a country boy, born in 1946 to dairy farmers who owned land near Lithgow in the foothills of the Blue Mountains in New South Wales. After high school, Harry enrolled in an arts degree at the University of Sydney, where he developed an interest in the history of our democracy.

Harry graduated with honours from Sydney university, and in 1967 moved to Canberra to begin work in the Parliamentary Library. His career as a Senate officer began when he was asked to assist in the compilation of a new edition, the fourth, of *Australian Senate Practice* by the Senate's then Clerk, Jim Odgers. *Odgers' Australian Senate Practice* remains the definitive guide for staff and senators trying to navigate the intricacies of Senate procedure and practice. Harry Evans oversaw six further editions of the work, and, in a reflection of our times, introduced an online version.
Harry's intimate knowledge of Senate procedures led to work in this chamber, first as Assistant Clerk, later as Deputy Clerk and finally, of course, as Clerk of the Senate. He would remain as Senate Clerk for 21 years.

During this time, new voices and new parties entered the chamber. To assist them, Harry set up the forerunner of the Procedure Office as a means of providing non-government senators advice on chamber procedures and draft legislation.

Over many, many years, Harry Evans observed the ebb and flow of this country's political life. His was literally a front-row, albeit not front-bench seat, at the table, to the right of the President on the floor of the Senate. All the while, Harry found time to write about the purposes and practices of our great democracy.

His contributions covered issues as diverse as the constitutional basis of an Australian republic, the role and reform of parliamentary privilege and the tension between past practice and present necessity in parliamentary procedures.

He was instrumental in redrafting Senate procedures for this parliament's new home. This work resulted in halving the more than 400 standing orders used when the Senate sat in Old Parliament House. Harry's clear and simple revisions remain a testament to his clarity of thought; their efficacy illustrated by the fact that they remain in place some 20 years later.

But through his professional life, Harry Evans emphasised the importance of the Senate as a check on executive power. Clearly and consistently, he reminded us that the Constitution alone determines the powers of the parliament, the House and the Senate. This was a constant theme, of advice and in practice.

Harry Evans entered the Public Service a historian and left as one. For more than 20 years there was no closer observer of the workings of the Senate and the contributions of senators. Reflecting on his time in this place he wrote:

With that perspective, it is possible to identify long-term trends which have an appearance of inevitably about them. It is also impressive, however, how many significant events were determined by pure chance, particularly the presence at crucial times of somewhat peculiar individuals.

He is right, of course. In many respects, life in the Senate is no different to other fields of human endeavour—fate and circumstance play their part. The workings of this parliament are often of course a product of how peculiar individuals respond to extraordinary events. But Harry also reminds us that this chamber reflects the will of the people. To quote him:

... the performance of the Senate, and any house of parliament, is ultimately in the hands of the electors. [And in this] There may well be room for improvement in the civic-mindedness and attention to public affairs.

Harry's civic mindedness and attention to public affairs was never in question.

Laura Tingle, writing in The Financial Review, reminds us that Harry Evans treated all those who sought his advice—the brilliant and belligerent, the sharp of intellect and self-important, the strugglers and the time-servers—with the same 'patience, good humour and intelligence'.

In 1989, when I entered the Senate as a newly minted senator for New South Wales, Harry Evans was already an institution. As Manager of Government Business in the last term of the Keating government, and then as Leader of the Opposition in the Senate for more years than I care to remember, I sought his advice and counsel on countless occasions. There were times I
did not follow his advice or agree with it. I learnt on those comparatively rare occasions that Harry was a master of non-verbal communication. Of course he said nothing, but he looked at you and he just seemed to exude exasperation and disapproval. I suspect, though, he just accepted that politics was like that.

Of course, Harry Evans's loss is felt deeply by the staff of the Department of the Senate. Informing senators of Harry's death, his successor as Clerk, Dr Rosemary Laing, said it all: Harry's contribution to the Senate as its Clerk will never be equalled and those of you who knew him will remember his fierce defences of the Senate as an institution, the rights of individual senators and of the value of parliamentary democracy. He was an inspiration to those of us who had the privilege of working for him and learning from his example. Professionally, he was the finest man I ever knew I, too, admired Harry Evans—his fierce independence, his fearlessness, his professionalism and his integrity.

Harry Evans passed away earlier this month. He was 68. My condolences go to Harry's family, his friends and all those he mentored in this place.

**National Security**

**Senator DI NATALE** (Victoria) (19:21): It is the primary responsibility of governments to keep its citizens safe and that is something I have been reflecting on in recent days, as we here in parliament are operating under increased security measures. We are told that the increased security and restrictions here in parliament will be the norm and in fact necessary in order to keep this place safe from the threat of terrorism.

It has been interesting to contrast those events with some other events that have occurred recently. I want to refer specifically to the issue of the threat of Ebola in some African nations and to the issue of climate change. People will wonder why I link those three things together: the threat of terrorism, the impacts of climate change and the threats from the emerging Ebola pandemic in Africa. I do that because, when we are in the midst of an issue such as terrorism, it is important to take a step back and reflect on what are the real risks that the Australian nation faces.

I will start with the Ebola virus. Viruses, like other dangers that we are currently facing, do not recognise borders. They cannot be defeated by air strikes or by arresting people who appear to be driving a car close to a nuclear facility. But they do impact on all of us. The situation in west Africa is a crisis and it does pose some serious threats to the Australian nation. This is not just because here in Australia we may be under threat from Ebola, but because of the impact it has in those nations. When nation states collapse, when countries fail, then the humanitarian and refugee crisis worsens and the movement of desperate people seeking safety, security and basic needs such as food and water, places increasing pressure upon all of us.

The poor west African nation of Liberia is experiencing major economic hardship as a consequence of Ebola. We expect Liberian government revenue to drop by an estimated 10 per cent. Food prices are escalating in Liberia. We have the Liberian government providing subsidies, yet the Ebola virus is causing huge economic problems, with a range of impacts, not just on the economy, but also on the health system of Liberia. Nurses and trained medical practitioners are dying in the fight against Ebola. It is not just in Liberia; it is happening in Sierra Leone and Guinea.
It is worth thinking about what sort of response we have offered as a nation. What we are being told by the humanitarian workers on the ground is that this is not simply a case of money; this is a case that requires logistical support. People on the ground are telling us that they want a military response. They want people who are able to quarantine those health workers. Ordinary members of the African community need the support of boots on the ground. And they are not getting it from nations such as Australia, despite the threat of Ebola not being restricted by national borders, despite the impact of that pandemic on the African nation and despite the flow-on effects in terms of the movement of refugee populations.

It is interesting that at the same time as we are having the debate about terrorism, on the weekend we saw tens of thousands of Australians joining a global campaign demanding action and leadership on climate change. We have to acknowledge that climate change is an existential threat. It is an enormous existential threat. In my home state of Victoria, we experienced some of the worst bushfires in the history of that state. We had a series of heatwaves that were responsible for more deaths than the Black Saturday fires. We are hearing from the scientific community, who make it very clear that the link between those events and climate change is very real.

It is very real. It poses future threats to our food and agricultural sector, to our water resources and to our air quality, and it requires an urgent response. This is a real and existential threat to the Australian community. Much like Ebola, it requires the sort of effort that is necessary to ensure that people are not exposed to diseases such as dengue and to the spread of Ross River virus and other vector-borne diseases that will put the Australian community at serious risk. When the Abbott government says they are listening to experts on national security, I only wish that they would listen to the experts in the scientific community on the issue of climate change as well.

That brings me to the threat of terrorism. Like my colleague Senator Scott Ludlam, I believe very strongly that what we are facing in the form of the Islamic State is a group of people who have no regard for the sanctity of human life. I do not want to trivialise terrorism. I am not blind to the threat that extremists like IS pose to the Australian community. We have seen terrorist attacks in London, Madrid and Bali and we are very much awake to the dangers that people face. But we need to put that threat in perspective. We need to put it in perspective when it comes to comparing some of the other existential dangers that the Australian community faces.

I am worried that our response has been disproportionate, and that it ensures that Australians who follow the Islamic faith are subjected to abuse and vilification. That is also a threat to those communities. I am also concerned that our involvement, in terms of putting troops on the ground, risks making us less safe. One of the great lies in this debate has been to wilfully ignore the most obvious reality—that is, that when you commit to sending troops to fight in a conflict such as the current war in the Middle East, it will not lead to greater security threats to Australians. Of course it does.

In fact, we have been so desperate to avoid acknowledging that reality that we have gagged our defence agencies, not allowing them to express that most self-evident view. Of course, I am disappointed that it is not simply the Abbott government; it is a commitment that is supported by the Labor Party as well. It was only earlier in the week that John Howard admitted that sending Australian troops to war based on false intelligence was a source of
embarrassment. Embarrassment does not cut it. When we are committing Australian soldiers to fight a war that is largely a product of our earlier intervention in the Middle East, when we are committing Australian soldiers to fight a war which will mean the Australian community will be made less safe rather than more safe, when we are committing Australian troops to fighting a war on terrorism but ignoring the very real threat that is faced from communicable diseases such as Ebola virus, when we are committing Australian troops ostensibly to fight an external threat in the form of terrorism but ignoring what is one of the most significant threats that our country faces, then you do have to ask some serious questions about whether what we are doing at the moment is what is the primary responsibility of any government—that is, to keep the Australian community safe.

Unfortunately, we know that there is a potential for governments of all persuasions to use the issue of terrorism for their own political interests. That is why we needed a debate in this parliament before committing those troops to war and that is why the Greens will be committed to fighting all threats to the Australian community, not just simply the threat of terrorism. *(Time expired)*

**Australian Broadcasting Corporation**

**Student Unions**

**Senator McGrath** (Queensland) (19:32): I was really interested in what happened here earlier this afternoon. I am very new to this place and some of the old hands who are here have said they have never seen anything like it—like the shambles that took place with Labor, the cataclysmic destruction of Labor’s position. Sitting on this side of the chamber, looking across at Labor senators, I wondered what the collective noun would be for ‘stunned mullets’. I know what it is: it is the Senate Labor caucus. They had no idea what was going on. I shall remember today for a long time. I also hear that Senator Wong’s leadership is under attack, that Senator Conroy, who got 98 per cent of the vote for his pre-selection—a very North Korean vote and I congratulate him, I would love to get 98 per cent for my re-preselection hopefully in a few years time. I shudder to think what has happened to the two per cent who did not vote for Senator Conroy. My friends in the gallery understand that Senator Conroy is walking the corridors, doing numbers to rid Labor of Senator Wong. I am not here to talk about the Labor shambles this afternoon.

I want to talk about the ABC and about what happened on Q&A last night. I also want to talk about some union dodginess that is taking place over in Western Australia and also something that is taking place in Queensland. I will get to the union dodginess later; I want to talk about the ABC. Unfortunately, I think a position has been taken by some people who think that I, Senator McGrath, do not like the ABC. I love the ABC and I will protest to the day I die how much I love the ABC. I am devastated I missed *Doctor Who* on Sunday night because I was stuck on a plane. I love my local ABC on the Sunshine Coast. I think they do a fantastic job, but I do not like *Q&A*. I think the ABC is allowing *Q&A* to poison the well of community support for the ABC. Last night once again we saw another program from *Q&A* with five people on the panel but only one person from the centre right—Minister Keenan from the other place. We had four panelists who are clearly left of centre and, of course, we had the compare, who is also clearly left of centre. It would be nice, just once, actually more than once—supposedly the ABC is for all of Australia. It is supposed to be our ABC, but it is not.
The ABC is there for only a monitory of people if you watch Q&A. It would be nice for the panel to have more than one conservative or Liberal person on the panel. It would be nice for the ABC to have two, three or four people and it would be nice to have a compare who would occasionally tack to the centre right. That would be fantastic, but pigs might fly. Then we get to the audience. I noticed last night the ABC said that 39 per cent of the audience members were coalition supporters. That is a clear fib. I do not know where they are getting these people from. I do not know what methods, classification or self-selection is going on with the ABC where they say the audience is 39 per cent but it is clearly not. I do not think I have seen any Q&A program where I would be happy to say that 10 per cent of the audience would be coalition supporters. It is not because coalition supporters do not clap as much as those on the Left or we do not hollow and cheer as much; it is just that the audiences are clearly always biased to the Left and to the Far Left. I think it is dangerous for the ABC to continue with this. We saw some media over the last couple of the days that the ABC once again are flying a kite, that they want to get rid of Lateline because of cost cutting. We saw a kite being flown previously about Peppa Pig being abolished. I love Peppa Pig—I think it is a great program. My godchildren think it is fantastic. I would say to the ABC, abolish Q&A and put Peppa Pig on because you will get more insightful political commentary from Peppa Pig than you will from Q&A. So if you want to get rid of a program, I nominate Q&A.

I am not here just to talk about the ABC; I am here to talk about some unfortunate events that have been taking place in a couple of student unions. What we have learnt about the Labor Party and the Left is that they get them while they are young and they learn bad things while they are young because the twin pillars of the union movement in this country at the moment are financial dodginess and political dodginess.

There are two student unions at the moment where some bad things are going down. I would like to read a letter that I have had cause to be sent to the police commissioner of Western Australia this afternoon.

Dear Commissioner O'Callaghan

I write to request that you please investigate an alleged fraud within the Student Guild at the University of Western Australia.

I am concerned an alleged fraud of hundreds of thousands of dollars against may have been perpetrated against students.

I will be able to provide details on request.

What has happened over there is that it is alleged that between $800,000 and $900,000 of student money, SSAF money, compulsorily acquired student money, has been misappropriated within the guild. A fun fact: it is more than twice what Craig Thomson took from the HSU. It is more than 40 per cent of the guild's annual budget. Forensic accountants, I am informed, were engaged to investigate and conduct a full audit. That is a good thing; that is accountability. The accountants were only called in after several months of the Labor-controlled student guild refusing to be held to account for the dodginess that had taken place. Despite BDO having confirmed that the money is missing, the Labor-controlled student guild—who were in the middle of an election this week—are refusing to do anything about it. They have effectively created a quasi-protection racket and they have not released the audit report or any information to the guild's 20,000 student members.
I have written to the police commissioner to ask him to investigate, but I am also calling on the university to intervene. This is a serious case of alleged fraud against students. And where are the Labor students on this? What we are seeing is a big, fat, stinking cover-up by Labor students. Allegations of theft have been covered up by Labor students in a scandal that would make the Watergate burglars blush with embarrassment. Labor students should be standing up for students and not hiding alleged wrongdoing.

It is not just the University of Western Australia where dodginess has happened. There is also Griffith University—and I should declare a conflict of interest. I am an alumni of Griffith University, where I went for five years. I did not bother the lecturers too much. What we have seen at Griffith University is that the student representative council have held meetings without quorum and without giving sufficient notice in order to call the elections while also appointing a Labor official as their returning officer.

Senator O'Sullivan: That's terrible.

Senator McGrath: Thank you, Senator O'Sullivan. No sufficient notice was given in terms of when this election should be called. They are also voting this week in an election that is effectively ultra vires. The university had a conversation with the student representative council, and the student representative council, despite calling an election with insufficient notice, without having a quorum at the meeting, decided, 'We won't proceed with Labor's returning officer', and they appointed someone else—at a meeting that also did not have sufficient notice. So we have a further example of Labor students and Labor unions failing to follow due process. We have alleged fraud over in the west, and we have fraud at Griffith University that would make poor Mr Joske turn in his grave in terms of failing to follow basic meeting procedure.

I call upon Griffith University to stop washing their hands of this matter. This reflects poorly upon Griffith University. They do have an obligation to intervene. I am calling upon Griffith University to intervene and, if they do not, we are just going to keep on going with this.

Women's Suffrage Petition Database

Senator Moore (Queensland) (19:42): On 9 September this year, the Speaker of the Queensland Parliament, Fiona Simpson, welcomed us to celebrate the launch of the Women's Suffrage Petition database. This is a particularly exciting and interesting historical project that has been worked on for a number of years in Queensland, and it was important that we were able to gather to talk about why it was important to see the original documents and to learn about the struggle that women had to achieve the vote and to partake in democratic processes which we value so much now. There were two key speakers on the day who talked about the issue of suffrage in Queensland: Dr Mary Crawford, who was previously the member for Forde in the House of Representatives, and Dr Deb Jordan, the senior research fellow from the National Centre for Australian Studies. They gave us the important history of these wonderful documents.

We know that in the lead-up to the centenary of women's suffrage in Queensland in 2005, which was widely celebrated across the state, there was a great search to find these wonderful documents, because we knew that they had existed. We knew that, in 1894, over 15,442 Queenslanders signed petitions that called for the right of women to vote. It is hard to read
some of the script, but I am going to try to read the context of the petition into the record. It says:

That your Petitioners are of the opinion that the time has arrived when the trust of the Parliamentary Franchise can be safely and consistently extended to all white women who have been resident in the Colony for a period of six months

That your Petitioners humbly submit that as all women have to obey the Laws it is only just that they should have a voice in the selection of the Legislators who make the Laws.

That the Franchise has been granted to both White and Maori women in New Zealand and that so far as can be ascertained they have exercised their right in the true interests of Order and Good Government.

That assuming civilization is to advance its progress must be slow and long as one section of the community—a section equally as important as the other—is kept in political subjection.

Your Petitioners therefore humbly pray that your Honourable House will be pleased to take into your serious consideration the advisableness of introducing a Bill granting to White women the Franchise embodying the principles of one adult one vote and one only.

Whilst we can be disturbed by the fact that this particular process was looking exclusively at white women, we can be excited by the fact that the women and men who signed these petitions were taking a large risk; they were asking for universal suffrage at a time when the vote was still linked to land ownership in Queensland—something we are pleased to have moved on from.

Over that period there was an excitement in the community. A number of organisations were formed to look at extending the franchise. We had seen that the vote had already been achieved for women in South Australia. The Women's Equal Franchise Association, which came to spearhead the women's movement in Queensland, called for 'one person and one vote for all people in the state'. We also had the wonderful work of the Women's Christian Temperance Union, who were extraordinarily active in community politics at the time.

It is exciting that the reason we found these original petitions which are now in Parliament House was because a very good friend of mine—who I have spoken about in this place before, John McCulloch—was writing his PhD thesis on Elizabeth Brentnall, who was the wife of a legislator in Queensland and the head of the Women's Christian Temperance Union. In his research he found the original copies of the petitions. Being a true historian, he was very excited by this and could see that we needed to record it so that we could protect the originals and maintain copies so that people would be able to touch and feel and read them. Most excitingly, you can find signatories who lived in a particular area. I found the signature of someone who lived in the same street that I live in; they signed this petition in the 1890s. People can find their ancestors—their mothers, their grandmothers, the people in their families—who signed the petition.

When John found the documents—and I can almost feel that eureka moment—he and Glenda Emerson from the Queensland parliament arranged for the filming of these petitions so that they could be maintained. This was a huge exercise. The work for this was done by the Queensland Family History Society. Ms Rosemary Kopittke from the society talked about the work that was put in to ensure that we had these names protected. She said: 'We indexed 378 images covering the three petitions. In total there were 15,442 names', which exceeds the original total figure of 15,225. So even then there were some problems with numbers. She
said: 'We had seven people working on various aspects of the project for over 500 hours.' She was able to show us the difficulty of reading some of the handwriting in the petitions. We had a bit of a test as to whether people could read that.

You could not help but feel inspired and excited by the project. We learned about how hard the women—and the men who supported them—worked to ensure that they got these 15,000 signatures. Remember that Queensland is a big state. We did not have emails; we did not have aeroplanes. We did not have modern technology to allow these petitions to be gathered.

We were able to find the minute book of the 12th annual convention in Bundaberg of the temperance women, where they talked about the fact that:

A petition has been drawn up for presentation to the Assembly, asking that the restrictions of sex may be withdrawn, and that women may in consequence have the rights and privileges of citizenship as we have at present the burden of being taxpayers, and responsible to the laws without the right of protecting ourselves from unjust legislation.

But they also acknowledged that there was a:

... large body of women outside the temperance cause, who are in favour of womanhood suffrage, many of whom would sign such petition if it were brought before them.

So in 1897 in Bundaberg these women arranged for copies of the petition to be sent to Thursday Island, and to the Darling Downs, Ipswich and Roma—all across the state. By gathering this work they were able to put together a petition that was put to the Queensland parliament that called for the right for women to vote.

I think we need to acknowledge the hard work of the women—and the men who supported them—to gather together this extraordinary historical document. We have now been able to protect the document, and it is now on show in Parliament House. We can celebrate their passion, their enthusiasm. But this work was done in 1894, and the women still had to wait until 1905 before they were able to get that celebration of having their first vote.

I really want to acknowledge the work of so many people who brought this project to its wonderful end. I again want to acknowledge my mate John, who is no longer with us but I know that many of us who were there on the day were thinking of him, and we knew how proud and happy he would have been.

In terms of the ongoing history, I particularly want to acknowledge the speaker, Fiona Simpson, who shares the passion for this work. On the day, she said:

... we acknowledge the strong and committed Queenslanders who initiated the women's suffrage petitions, the women who campaigned across the state from door to door to collect signatures ... We also congratulate and thank all those who have contributed to creating this comprehensive database which will help us to understand more about our past and about ourselves.

I think it shows again the value of learning our history. Without this enthusiasm and hard work, these documents could have been lost to us and we would not have been able to celebrate the work or know so much about our history. This work goes on all over our country and I think we should celebrate those people who work so strenuously to ensure that our history is protected and remembered.

I have a particular interest in the whole topic of suffrage and the fact that women now have the right to vote, to argue and to be in this place. I think that is something that those people—all 15,000 and more of them—who signed those petitions could see; they perhaps saw the
people who came after them having those pleasures and those responsibilities. I want to thank them. I think this is the kind of project that shows that people really do care.

Peacekeeping Operations

Senator WRIGHT (South Australia) (19:52):

I think we should keep having peace in Australia because of many reasons. Firstly, we are lucky to be able to go to school safely. I am allowed to go to school and learn. It does not matter if I am rich or poor. Even poor children can go to school. It does not matter if I believe in god or not. I don't mind if anyone believes in god or not. I like certain people for who they are. It is good that we don't have guns. Guns kill people, adults or children. Let's live in peace.

This beautiful reflection was written for me by a year 3 student, Marcus, from Eden Hills Primary School in South Australia, who entered the Australian Greens Makepeace Prize in 2014.

I started the prize to raise awareness about the important work of Australian peacekeepers and their contribution to a more secure and peaceful world. Students from schools across my home state in South Australia entered artwork, poetry, short stories and digital pieces, all centred on the theme of peacekeepers and peace more broadly.

I found their interpretations of peace and the role of peacekeepers in our world is thoughtful and inspiring—heartening. 'Out of the mouths of babes', as they say, came some poignant observations that we as adult could do well to ponder more deeply, especially at a time when we cannot help but feel that the dogs of war are gathering again. I believe it is vital that we encourage learning about peace and nonviolence. Given our current global context, teaching about peace is now more important than ever. I do not want students growing up in a world where military might is seen as the only solution to complex global issues.

Last Sunday, 21 September, was United Nations International Day of Peace. At a time when we are commemorating the centenary of the outbreak of the First World War and Australia is on the brink of yet another Middle East war, it seemed a timely occasion to focus on the hard work of peace building and peacemaking. On Sunday I had the pleasure of attending a service and festival, the Communities of Peace, at Scots Church in Adelaide, which attracted over 20 organisations which are all dedicated to 'waging peace', including the Women's International League for Peace and Freedom and Amnesty International. They came together to discuss and see what can create conditions peace on the level of individuals, within communities and around the world.

As we think about ongoing conflicts in Syria, Iraq and the Democratic Republic of Congo; sectarian violence in Nigeria; and violence in the Central African Republic and in so many other places around the globe we realise that peace is incredibly fragile and incredibly precious. As Marcus wrote in his entry to the Makepeace Prize, peace enables children to go to school and to get an education—a basic right—which is not yet a reality for so many who live in constant conflict.

There are also the many post-conflict states, like Rwanda, Liberia, Sierra Leone, Cambodia and Timor-Leste, where the wounds of war are ever present in the stories of those who have lived through the conflict and in a country's ongoing—and sometimes a never-ending—journey towards a stable peace. Healing from war and conflict and achieving reconciliation are also crucial.
The Australian Greens Makepeace Prize enabled me to visit schools to talk to students about the proud history of Australia's peacekeepers, who have played a crucial role around the world since 1947—providing support in some of the world's most dangerous conflict zones. I found that the students were so receptive, inspired and moved by the courage and service of our peacekeepers. There was one group of students who were asked to reflect on the discussion we had in the class and what the most salient things were that they took away from it. One young person said that he was so impressed that we in Australia were involved in the first peacekeeping mission ever in 1947. Another child explained that they found it really fascinating to know that an Australian peacekeeper has been serving somewhere in the world every day since then.

Certainly, there were those students—and these were students of 12 and 13, who were mature-thinking children—who were really interested in the fact that Australian peacekeepers are subject to rules of engagement, which means that they have to be extremely disciplined in the way they defend themselves and others. In fact, it is this discipline which sometimes causes the stress and the post-traumatic stress in dealing with the conflict that they have experienced, when they sometimes have had to stand by and see terrible things done to civilians.

As well as writing, the students provided me with artwork and some of that is going to be available on my website if anyone would like to have a look at that. One student, Shakiela, from Crossways Lutheran School, is 13. Her theme was reconciliation and she talked about the importance of learning from past mistakes in her entry to the Makepeace Prize. She said:

It is when we don't try to fix the mistakes that things get worse. We can look back at history, but we can't take it back. It's gone. What we need to do is look towards the future to make sure mistakes are not repeated.

Another student, Odette, is in year 6, and she wrote a beautiful poem about peace:

Red as the blisters on our hearts
Orange and yellow as the burning sun
Green eyed for the other side
Washed in an ocean of tears
Purple ruined as your power is thrown
Black and burned as the fire rises.

We also received a wonderful short story from a student called Amber, who attends Bridgewater Primary School. Amber is 12. The main character dreams of becoming a peacekeeper, and after a great deal of hard work achieves this goal. It was a long and very rich story. As the peacekeeper protagonist in Amber's story reflects:

We wanted to change things, and make everything better. Fair. Equal. We all wanted to bring peace … being a peace keeper was quite appalling at times, but you'd didn't just stop. You kept on going. Because you couldn't abandon your goals, and most importantly, you couldn't abandon innocent people.

It was certainly a big weekend for me when it comes to peace. I also had the pleasure of attending the 25th anniversary dinner of the Graham F Smith Peace Foundation in Adelaide.

Graham was a teacher, a maker, a bringer and a worker towards peace who died far too young. Since then there has been a dinner every year. The peace foundation supports and sponsors grants for art and artists to promote the building and maintaining of peace. The guest
speaker at the dinner was Sophie Hyde, who is the South Australian director and cowriter of the innovative film 52 Tuesdays, which has been feted at film festivals around the world. Sophie's theme was the importance of telling stories from diverse viewpoints—diverse writers, diverse characters and diverse directors. She made the really compelling point that reading stories and watching stories on the screen enables us to get inside someone else's skin. It enables us to walk in someone else's shoes. It enables us to develop empathy, insight and understanding, which means that it is far more difficult to see people as 'other' and to not understand them and it is much easier to be able to celebrate and embrace diversity and live together with understanding and peace.

At a time like this, when our community is, I think, being increasingly divided by fear and suspicion because of the circumstances that we are finding us in, it is even more important that we have the opportunity to develop that empathy and insight and reach out and connect with each other. I think anyone watching Q&A last night would have been moved to hear about the experiences of Muslim people living in Australia at the moment and the antagonism, distrust, suspicion and fear that they are receiving. From people who are Australians, who have been living here throughout their lives—living here for generations, indeed—they are experiencing suspicion and exclusion.

In the end, I think it comes down to a really important choice for us. Especially as we are living in a very, very troubled time, it is very easy for people to end up being driven by fear, anger and hostility—which, in the end will damage all of us. In Amnesty International there is a saying that I really cherish. It basically says that when things are bleak it comes down to a choice: we can either light a candle or we can curse the darkness. I always think that in situations like this it is far, far better to light a candle—however, small a thing that may seem to be. In doing so, I think we can all work for a community that is far more peaceful and inclusive. Part of that can just be reaching out to understand our neighbours and the people we are meeting every day.

Financial Rural Debt Roundtable

Australian Labor Party

Senator CANAVAN (Queensland) (20:01): I would like to speak on two issues this evening. The first is the Financial Rural Debt Roundtable, which concluded this afternoon and which the Minister for Agriculture, Barnaby Joyce hosted. It was a productive meeting, and I want to thank the Australian Bankers Association and other representatives from the banking industry, the National Farmers Federation, AgForce, the New South Wales Farmers Federation, the Gulf Cattlemen's Association and the Kimberley Cattlemen's Association. I have probably missed some, but more than 40 people were there this afternoon to discuss this very important issue.

It was a productive discussion. Of course, not everything was solved in two hours—it cannot be. This has been a problem that has been growing for a decade in rural areas, particularly in North Queensland—the state I am from—and it is not going to be solved in an afternoon. But there were some resolutions from the meeting. We are going to try to get better and more accurate data on the problem. There has not been a rural debt survey in Queensland since 2011. That has partly been because the banks have not cooperated—for their own reasons. We are going to try to resolve those reasons and ensure that we can get that going again.
We are going to restart the national rural debt mediation process, which was in place until last year. That has fallen off the radar. Different states have different processes that handle the mediation of debt, and some of them are working better than others. It seems right and proper while we have this debt issue that we try to harmonise those and come up with the best model across the country. We thank the banks for their cooperation in agreeing to be part of that process.

Finally, as the minister has publicly said, there are some issues with the farm finance packages. They were introduced by the former government and they were expanded and changed earlier this year. There remain some issues in getting that money out to the people in most need. It is a difficult issue because, while the Commonwealth government provides the funds, state government agencies are actually responsible for lending the money.

Those things have been positive outcomes. Obviously there is more that needs to be done. The most important thing is that we try to restore confidence and better prices to the beef markets. This issue has arisen, at least largely, because of a profitability issue that has been driven by low prices and higher costs. A very big contributor to those low prices was the disgraceful decision a few years ago by the former Labor government to shut down the live cattle trade overnight. It has had huge ramifications for beef markets all around Australia. Until recently, people have received record low prices for their beef, in a market where they had no option but to sell due to the drought.

Due to that roundtable, I missed what seemed to be the best show that has taken place in this chamber since I got here, and that was the shenanigans around the Palmer motion. I very much regret missing that. It seemed to me, though—I turned up for the vote at the end—that it was movie that perhaps you only needed to see the end of to enjoy it and you probably did not need to see the introduction and the body of the story. Coming in at the end, I think I got the best part. It was a movie that I thought I had seen before—and I had seen this movie before. It was a movie called 'The hung parliament'.

Only a few years ago we had a hung parliament and we saw just these kinds of shenanigans. Only a year ago we had a hung parliament and tonight we saw the sequel. We saw the sequel because the Labor Party tried to manage this chamber again. They tried to become the managers of the chamber tonight, and we saw how they fundamentally failed once again at being able to manage something as simple as establishing an inquiry. They wanted to establish an inquiry, and they could not even organise that tonight.

I was astounded—although I should not have been, given the Labor Party's record. Whenever the Labor Party are in charge of something or are trying to run something, when you walk through these doors you feel like there should be some music playing. Perhaps it should be the intro to Monty Python. Do you remember that, Senator Scullion? The Monty Python music should come on and a big foot should come down on this chamber—bang! That is what it feels like when they try to run things.

We remember the last parliament when they tried to push through 55 bills in one week. Remember that? They didn't try; they did. They put 55 bills through in one week. Some bills had as little as five minutes of debate. I think some had less. Some had none—just a second reading speech. That is what happens when the Labor Party try to run things. They just cannot run anything. Under the last government, we had GroceryWatch and we had Fuelwatch. None of these things worked. We had 'the war on inflation'. What happened to the 'war on
inflation? We declared peace too early, I think. We had Building the Education Revolution. Remember that? That was a complete disaster too. Tonight we tried to have the Palmer ascendancy. That did not work too well either. They just cannot manage anything.

I must say: I was surprised that they could not get an inquiry started and I was surprised we were able to get the amendment up to change the motion. I was a little bit disappointed that we are not having the inquiry now. We could have had it after the motion was amended. If the Labor Party had supported it, we would have had an inquiry into the former Queensland Labor government and that could have been just a little bit of fun. It is all well reported and we probably do not need another inquiry. We could all have remembered why it is important that Queensland does not have a Labor government after next March. We could all have recalled why it would be disastrous for Queensland to choose a Labor government. We could all have reflected on what actually happened in the last Queensland Labor government. We could all have remembered how they spent $1 billion trying to change the department of health's payroll system for nurses. There was a $1 billion blow-out in that particular program. We could all have remembered how an official in the department of health took off with something like $14 million—I cannot remember exactly how much it was. He explained it to senior officials in the department of health, saying that he had all that money not because he was a bureaucrat in the department of health but because he was a Tahitian prince!

Senator Scullion: Oh, the Tahitian prince!

Senator CANAVAN: He was a fake prince. It was a bit like that Coming to America movie, Senator Scullion, except I think Eddie Murphy was a prince in that movie. It was the other way around—he was faking that he was not a prince. The bureaucrat was faking that he was a Tahitian prince and he took off with $14 million worth of Queensland taxpayers' money. If we had the inquiry, maybe we could have gone to Tahiti. Maybe the inquiry could have gone to Tahiti and investigated the royal family in Tahiti, just to get to the bottom of it and make sure he was not, in fact, a prince. We have not had to do that. I think Queenslanders realise that we do not want another Labor government in Queensland after March next year. They realise the mess that the former Queensland Labor government has got Queensland in—more than $80 billion in debt at the moment. It was heading towards $100 billion before the government changed. We had a government that was rolling over the rights of farmers and landowners, particularly through native vegetation laws, and they have changed for the better. We now have a pathway back to not only a surplus but to try to get some of this debt down.

Those are all serious issues and there is another serious issue here. It is good that we have rejected the inquiry. It would have been an abuse of this chamber's power to set up an inquiry into another government. That is not what we should waste time on. We should focus on doing what we have responsibility for best. There are other avenues for people to have inquiries into other levels of government. There is a well-established principle of comity, which means that we should not have supported the inquiry, but we must always remember that the Labor Party were going to support the inquiry before it failed. They were going to run roughshod over those longstanding principles, much to the disgrace of their decisions here tonight. Some members of the Labor Party will be disappointed that they chose to try to get this inquiry up. Presumably the reason it has taken us about two months to get this point is that some people in the Labor Party were reluctant to support it. Maybe they should have won the day and it should not have come on, but it did. We are just fortunate that it has not ended
up in an abuse of power. We have great privileges in this chamber and we should treat those seriously and never abuse the privileges for the sake of a witch-hunt type inquiry into another government in another state.

**White Balloon Day**

*Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (20:11):* There are a few months before the next Queensland state election, but if I have to sit here every night and hear about it in adjournment from the government side of the Senate, I will probably end up saying something I should not. That is obviously what the tactic is and I cotted onto that pretty quickly tonight.

Maybe we can talk about serious things, though. Tonight I have a very serious issue to talk about. I am going to talk about White Balloon Day and fundraising and awareness around the issue of child sexual abuse. This is an area that I take a very special interest in due to my previous work in the childcare industry for over a decade and for many years as the co-convener of Parliamentarians Against Child Abuse and Neglect, or PACAN. It is extremely upsetting that in this day and age in Australia child sexual abuse is still occurring. But it is and the statistics around child sexual abuse are truly horrifying. The fact is that one in five Australian children are sexually assaulted in some way before their 18th birthday.

I know this is a fairly unpleasant topic. Some people have told me that I stand up and talk about too many unpleasant topics. Well, guess what: for the six years at least that I have remaining here, I will be standing up and talking about these unpleasant topics because we cannot keep brushing these issues under the carpet. Twenty per cent of Australian children are sexually abused before their 18th birthday. We just cannot ignore that. It is a figure that is scarcely believable but it is true. Research has found that children are most vulnerable between the ages of eight to 12 years. These are awful figures which show that child sexual abuse is happening in your community and possibly to children that you know. It is pretty pervasive and it is entirely preventable.

Friday, 12 September marked the 18th annual White Balloon Day, which is organised annually by the organisation Bravehearts. Bravehearts' aim is to raise awareness and funds for Australian children affected by sexual assault. I am proud to have supported this organisation for many years. White Balloon Day coincides with and is a key feature of National Child Protection Week, organised by the National Association for the Prevention of Child Abuse and Neglect, more commonly known as NAPCAN. As I said, this year was the 18th annual White Balloon Day. I am pleased that the event continues to grow and is strongly supported by the community, although of course I would really like no need for it. I would like for there to be no child sexual abuse. In fact, I would really love that to be the case.

This year community groups, schools, businesses, councils and passionate individuals worked with Bravehearts to deliver its largest campaign, with more than 1,000 fundraising events held nationally. A large number of events were held right across Australia, including events as diverse as world record attempts in Coffs Harbour, walkathons in Tasmania, 'wear white' days in Victoria and a gala event in Brisbane. The Bravehearts White Gala event in Brisbane raised over $100,000 for this worthy cause thanks to the generous support of corporate sponsors and individual attendees.
Although White Balloon Day was on Friday, 12 September there are still some events to come. These include a couple running seven marathons in seven days in seven states and a cycling time trial. On Friday, 12 September, on White Ribbon Day itself, I held a fairly simple White Ribbon Day afternoon tea in my electorate office in Kingston to raise funds and awareness of what Bravehearts does. I brought together around 20 members of my local community, and the federal member for Franklin, Julie Collins MP, attended as well. I invited these people and they all came because they understood the importance of raising awareness and funds for such an important cause. In just a couple of hours, that afternoon tea raised just under $400 for Bravehearts. I am really glad that I could play my own small part, and I thank all those who attended for their generosity that afternoon in putting their hands in their pockets to raise funds for this organisation.

There were many people that helped to make this event happen, but I would like to thank two people in particular—Edna Penicott and Lorraine Walker—who are stalwarts of the Kingborough and Huon area. When I invited them they said to me straight off: 'Don't worry about any catering; we'll do it all'—and they did. And I have got to say that it was a beautiful spread, so their overwhelming generosity in doing the vast majority of the catering has to be noted.

For anyone who wants to get involved next year, White Balloon Day fundraising events can be as simple as hosting a morning or afternoon tea and asking people to come. You can have a 'wear white' day at your child's school or at your workplace. You can encourage people in your community to take part in a 'wear white' walk. You can be creative, be inventive and have fun in how you raise this money. But, most of all, I really want people to be more involved in this sort of thing.

White Balloon Day has an annual campaign theme, and the campaign theme for 2014 is '#whoRUprotecting'. With this theme, they are urging all Australians to act for the children in their lives. Thousands of people took part in the '#whoRUprotecting' social media campaign, including celebrities such as the Veronicas, The Living End, The Footy Show's Beau Ryan, Channel Nine's Lisa Wilkinson, the Wiggles and politicians from across the sphere. Thank you to all of those people. I am glad that the campaign had such overwhelming support from celebrities and the wider community as it helps spread the campaign's message further. I encourage everyone to have a think about who they are protecting. We all have responsibility to ensure that children around us are safe from sexual abuse or any abuse.

Bravehearts, the organisation that facilitates White Balloon Day, is a non-profit organisation that operates on Australia's eastern seaboard. Its key purpose is to educate, empower and protect Australian kids from sexual abuse. Funds raised go toward education, prevention and case management programs. Bravehearts has a wealth of information for parents, including information to help keep children safe. Remember, it is never too early to sow the seeds of personal safety in young people.

I would like to outline one aspect of Bravehearts' information campaigns—the Bravehearts' Ditto Keep Safe Adventure Program. I have participated in events with Bravehearts in previous years and with their mascot Ditto. This program teaches children the five basic principles they need to know to keep safe. These are: to trust their feelings and to distinguish between 'yes' and 'no' feelings; to say 'no' to adults if they feel unsafe and unsure; that they own their own bodies; that nothing is so yucky that you can't tell someone about it; and if they
feel unsafe or unsure run and tell someone they trust. These are fairly simple guidelines even for very young children. Bravehearts provide helpful tip sheets on the best way to discuss issues with your child to develop protective behaviour. Bravehearts also provides services if your child has been sexually assaulted. These services include counselling; crisis and advocacy; the Sexual Assault Disclosure Scheme; court support; and other information and resources.

I have been asked why the white balloon is used as the symbol for child sexual abuse. The white balloon is considered symbolic of the issue of child sexual assault following a public demonstration held in Belgium in 1996. In that year, 300,000 people gathered with white balloons and white flowers in a show of public sympathy and support for the parents of several young girls who were either murdered or abducted by a notorious repeat sex offender.

As co-convenor of PACAN, I organised a special event in parliament during the last sitting week to mark National Child Prevention Week in the form of a briefing by NAPCAN. NAPCAN gave the members present a briefing on the important work they do. We also heard an inspiring story from Ms Kris Teece. Kris suffered from neglect as a child and teenager when she lived with an alcoholic father. She has turned her life around and now is a child protection worker who fosters children, as well as having four children of her own. I thank all the senators and staff from this place, and the members from the other place, who took the time to attend that meeting. I thank NAPCAN CEO Richard Cooke, NAPCAN Deputy CEO Leesa Waters and guest speaker Ms Kris Teece. *(Time expired)*

**Other People's Money**

**Senator LEYONHJELM** (New South Wales) (20:21): My name is David and I am an OPM addict. Actually, that is not true; I am not addicted. I might be one of the very few people in this house who is not, because addiction to OPM is a national crisis and I am surrounded by addicts. I am not talking about the drug opium but something far more terrible. I am talking about an addiction to other people's money.

The great economist Milton Friedman taught us that there are four ways to spend money: spending your own money on yourself; spending your own money on somebody else; spending other people's money on yourself; and spending other people's money on somebody else. When you spend your own money on yourself there is a strong incentive to spend it wisely. Nobody spends money more carefully than its owner. That is why it is more efficient, as well as right, for people to be allowed to keep their own money. When you spend your own money on someone else, you will still be motivated to economise but somewhat less likely to satisfy the needs of the other person. Anyone who was given or who received an unwanted gift would understand that concept.

Even with the best of intentions, spending your money on someone else does not always work out for the best. When you spend other people's money on yourself, you have no strong incentive to keep down the cost, but at least you have a strong desire to fulfil your own needs. But there is an even more wasteful type of spending—that is, spending other people's money on other people. In this scenario you care little about both value for money and meeting the needs of the people on whom you spend the money. Spending other people's money on other people is what we do here. It is the worst kind of expenditure and it explains why so much public money is wasted. An inevitable characteristic of OPM is that so many grand government plans are destined for failure. Before we can do something about our addiction to
OPM, we must first acknowledge our problem. What we need is an OPM Addicts Anonymous.

Many government programs are not created because people demand them or because the market was unable to provide the services but because politicians have bought favour with OPM. Politicians are addicted to OPM because they use it to expand their influence, reward political cronies and keep their constituencies dependent on them. Since becoming a senator I have attracted many new friends. My calendar is full of appointments with people who want to meet me. I have a strong suspicion that at least some of my new friends are less attracted by my fabulous looks and winning personality than by the decisions I make about other people's money. But I ask you: what right do we have to be so cavalier?

If I were to ask everyone in this chamber to turn out their wallets and purses and give me a third of the money in their possession, I imagine there would be some disquiet. If I were to tell you that the reason for taking your money is that I know better than you what you should do with it, I would expect there would be some resentment. What is more, if I explained to you that if you refuse to give me the money, you could go to jail, I expect there might even be some anger.

Imagine that I decided the large pile of cash you were forced to give me was not nearly enough, so I went out and borrowed more, with the cost of the interest to come out of your pile and the debt left hanging over you and your children. Then imagine that I started spending it foolishly on things you do not want. It would be natural to feel outraged. In fact, you should be outraged. It is something most of us would recognise as common theft. Not only that, it would constitute authoritarian, incompetent, irrational, vain, patronising and delusional behaviour on my part. But that is exactly what the Australian government does to the Australian public, no matter who sits on which side of the chamber. Many people would call it stealing, but in this place we just call it another day at the office.

One of the biggest problems with OPM is that we either overlook or do not truly appreciate its true cost. Oscar Wilde once described a cynic as being someone 'who knows the cost of everything and the value of nothing'. But there is a far more dangerous type of person in a place like this and that is the dreamer—someone who values everything but understands nothing about the cost. We have seen heartfelt and teary-eyed declarations for paid parental leave, services for veterans, a schoolkids bonus, a national disability scheme, Gonski school funding and medical research. All these things sound great in principle but the reality of OPM is that money spent on these things is likely to be spent recklessly, in ways that people would not spend on themselves.

The legal language that we use in parliament tends to hide the cost of things. Perhaps it would focus our minds if we were obliged to give prominent mention to the cost of OPM in each piece of legislation as it comes before us, much like supermarkets and petrol stations are required to display the prices of their products before decisions about spending are made.

Prime Minister Abbott would be much more honest if he explained that his Paid Parental Leave is really about spending OPM taken from people who do not have children on people who do have children. And Bill Shorten would have been much more honest, when speaking recently about the submarines contract in Adelaide, had he pointed out that the projected cost of OPM, of making the submarines in Australia, would be about $2,200 for every man, woman and child. For that price, battlers in western Sydney or Melbourne could give
themselves a holiday, pay off a chunk of their mortgage or buy themselves a better car, using their own money.

Politicians pretending to be compassionate, when all they are doing is handing out other people's money, are just thieves masquerading as angels. Far too much of our political debate is restricted to the question of how to spend OPM or, if you like, who is the better dealer in OPM. This is the wrong question to ask because, as Milton Friedman taught us, it is the very nature of the spending that is the problem. A much better question to ask is this: why don't we just let people spend more of their own money?

**Senate Procedures**

Senator O’SULLIVAN (Queensland—Nationals Whip in the Senate) (20:30): Today I felt a little bit cheated, as we had quite energetic exchanges and debates here this afternoon on a motion I refer to as the Labor/PUP motion to investigate Queensland’s government, because for some weeks now I have been limbering up; I have been researching, making notes, refining my notes, applying Deep Heat and getting ready for the big event, only to be denied the opportunity to make some very important points about what I see as a complete abuse of the processes of this Senate.

For the first time in the seven months since I have been here, I have seen a motion proposed in this place that had an inbuilt guillotine. The motion was meant to gag debate in this place before debate even started. I understand why that was so, particularly for my colleagues from the Australian Labor Party, because a very high percentage of them did not believe in the thrust of the motion. They were offended by the fact that the party had joined with PUP in this manoeuvre which was nothing less than an abuse of the privileges of the Senate of our nation.

We watched as events unfolded and saw that the movers of the motion never wanted the debate and, in fact, when amendments were afforded, they did not want a debate on the amendments. Of course, their efforts in this regard failed dismally. The third element of this motion that offended the principles of this place was that the motion completely ignored constitutional provisions relating to the issue of comity, which has to do with the principle that this place should not investigate the House of Representatives, and neither the House of Representatives nor the federal Senate should engage in investigating state governments. Indeed, state governments themselves should not engage in investigations of the federal government in any form, nor of other state governments. This is a principle that has been around since the beginning of time. This fragile Commonwealth of states we have, this federation of states, is based on principles that allowed our forebears—our forefathers—to make the decision to create the federation. It was based on principles that allowed them to support the decision across this nation and one of those very important issues was to allow the states to have autonomy to get on and do what it was they needed to do without fear that the federal government would investigate those moves.

This was not just some select committee to have a look at some things—I have heard references made to a dam and to gambling in Victoria; I have heard all sort of precedent arguments. This is not any of that. This is akin to a royal commission by one house of the federal parliament into a state house. If none of that offended anybody—if none of that challenged the principle of democracy in this government—then one needs to look at the make-up of the committee. I do not intend to deal with all of that, but one thing I do know is
that the Palmer party was supported right to the death today by the Australian Labor Party, to the Labor Party's long-lasting embarrassment. They were supporting a committee made up of five or six people, representatives from this place, representing less than two per cent of the appointments to the Senate. There was to be a representative from the House of Representatives who, while not physically on the committee, would obviously have control of the committee—in the sense that Mr Palmer would have been governing what his Three Musketeers intended to do as a result of this being passed by the Senate.

Again, the fig leaf came off with the last-minute amendment to make sure the leader of the PUP was also the chairman of the committee. This was not something that was circulated; nobody was given notice of this, and it was ultimately meant to give ironclad control of this committee to Mr Palmer.

Senator Moore interjecting—

Senator O'SULLIVAN: I listen to colleagues from the Labor Party now, making a fuss. I lost respect for any number of your members this afternoon when you failed to support an amendment to this to allow this investigation to go ahead.

The ACTING DEPUTY PRESIDENT: Order! The senator will direct his comments through the chair.

Senator O'SULLIVAN: My apologies. Madam Acting Deputy President, I say through you that members of the Australian Labor Party today failed themselves, and did so in such an open manner, in failing to support the amendment to broaden the time frame of this investigation. There was not one challenge to one word within the motion, just a challenge to the time frame to allow this examination, if it were to proceed, to include the Queensland branch of the Australian Labor Party. If you came in behind it, different people had different motivations in this exercise. Palmer's was clear. Mr Palmer has not even endeavoured to disguise his interest in this inquiry, because it can be found in section 1, subsections (c) and (d), which talk about the approval processes for resource applications in the state of Queensland—given that the matter is under the Queensland government. There is a reason for this. He has failed to achieve what he wants in the manner that he tried—and it is well recorded in Queensland. He has failed through all levels of courts in Queensland. He has failed through his public attempts to embarrass the Queensland government. So he has to resort to an attempt to take control of this Senate.

We in Queensland are tired of Palmersauruses and Palmer resorts and Palmer nickel factories and Palmer airlines. And I was going to see that there was no way in the world that we were going to have a Palmer Senate, which is what colleagues were endeavouring to support here with this motion this afternoon.

But what is it that would attract the Labor Party to support the Palmer party? It certainly was not that. The clue is found in the section of the motion that talks about the reporting date being 'on or before 31 March 2015'. Well, that date is well known in my home state. It is well known to the opposition. It is well known to the tiny little Labor Party that languishes in the corner of the legislative assembly in Queensland. And what they have in common is: they want to disturb the current government in their efforts to lift their political fortunes in my state. This was a method to allow them to travel around the state, at enormous cost to the Commonwealth—probably in excess of $1 million, when one looks at the logistics of this
particular motion—and bring in every fool, every deadbeat, every burnt-out trade union member, every disgruntled public servant, and give them the absolute privilege of this place to say whatever they liked about the Queensland government, about the Premier and about the LNP government.

And yet, up until that point today, not one word had ever come out of the Labor opposition here challenging the integrity of the Queensland government—not one. Not once have they called for an inquiry into the corruption of the Queensland government. This was just a fortuitous Palmer bus that was coming past, with a couple of big running rails; it slowed down as it got up beside Senator Wong and others, and they all climbed on board. Well, I can tell you that it ran out of fuel here this afternoon at about 5.15, or whatever time it was. It ran out of fuel. It was an embarrassing stop. And I think that we need to pay heightened attention to these manoeuvres, to see that the integrity of this place is preserved. *(Time expired)*

**Chevron Australia**

**Senator BACK** (Western Australia) (20:40): On 2 and 3 September in this place, two Labor senators, both Western Australian senators, made speeches—or, should I say, the same speech, because each replicated the other and followed the other almost verbatim—highly critical of the Chevron company, and, in particular, the Gorgon project and, to a lesser extent, the Wheatstone project, off the Western Australian coast. I do not need to quote from both; I can just quote from one of them. One was Senator Lines and the other was Senator Sterle. They made reference to direct construction jobs—3,500 on Barrow Island where Gorgon is established; 10,000 direct or indirect jobs at the peak of construction; 300 direct jobs afterwards. That caused me to ask the question: why would two Western Australian senators stand in this place and be highly critical of projects that are bringing billions of dollars, millions and millions of dollars of employment, and hundreds of thousands of jobs, going over 30 or 40 years, and make allegations about mismanagement? They—I repeat, one or the other—were making allegations that:

The Gorgon project—
say both—
unfortunately—
says one, but now I am quoting from both:
… is quickly becoming synonymous—
each word the same—
with white elephant megaprojects. Some analysts show that it is the most delayed and over-budget LNG project in Australia.

Yet Chevron, each of them says, gave:
… its shareholders extremely rosy projections and has only … slowly revised cost and delay estimates.

Each of them went on to make disparaging comments about the occupational health and safety records on those particular projects, and called into question the actual undertakings of the Chevron company to the Western Australian and the Australian governments in relation to the size of these projects.

The speeches finished up slightly differently, I must say. One of them actually said:
So concerned am I about this project in Western [Australia] …
and the other said:

As a Western Australian senator, I am so concerned about the failure of Chevron to live up to its obligations—

I will come back to the other one—

to the people of Western Australia …

that one of them wrote to the US Securities and Exchange Commission asking for a full accounting of Gorgon's projects, risks and prospects, and the other wrote to Chevron in the USA:

… expressing my concerns about what I believe are Chevron's over promised and under delivered commitments …

It caused me to ask: what are Western Australian senators doing bucketing what is probably the largest oil and gas exploration and production project in our history? And of course I immediately came to an article in The Sydney Morning Herald of 28 August 2014—some four days before Senator Lines's contribution—in which the Maritime Union of Australia was said to be considering:

… legal action against US oil and gas giant Chevron …

with regard to breaching its obligations. Both of these speeches were clearly written by the MUA.

It causes you to ask: why would the MUA be wanting to go into bat against Chevron? That goes back even further. I will quote from another article, from The Australian on 16 August:

ENERGY giant Chevron is suing the militant Maritime Union of Australia for more than $20 million over an illegal strike the company says caused delays and cost blowouts at its $57 billion Gorgon gas project in Western Australia’s Pilbara.

That goes back to 2012, when a strike took place at the Australian Marine Complex at Henderson south of Perth in Cockburn Sound in which there was clearly a slowing of project work, completion work, loading and transport up to Barrow Island for the Gorgon project. At that time, the company, Chevron, went to Fair Work Australia. Fair Work Australia ruled that the strike was illegal and that these people should return to work, but of course the company would say that they then went on a go-slow, costing them more than $20 million. It is a bit ironic that two colleagues in this place would actually then start complaining about the antics, apparently, of the Chevron company.

As a Western Australian senator, I was so concerned about these allegations by my colleagues that I actually made it my business to find out the truth. Senator Lines, I think, made the observation that these were claims by Chevron which cannot be easily validated or measured—these are the claims relating to construction jobs, completion jobs, operation jobs and the value of the project. Well, I did not find it all that hard to get the figures. I actually got in touch with the company—strangely enough, I did not have to do too much.

Let me tell you what the actual figures are. Remember the claim by Senators Lines and Sterle: 3,500 jobs in construction and 10,000 in direct or indirect jobs. Here are the figures: not 10,000 but 20,000 jobs; 7,000 on Barrow Island building Gorgon, which is now 80 per cent complete; 5,000 at Wheatstone, off Onslow, and nearly 40 per cent complete. The projects have injected over $30 billion in local content and jobs, and that will climb to $40
billion over the next couple of years. Six hundred Australian companies, over 90 per cent Western Australia, have been awarded contracts. These projects will go for 30 or 40 years.

Let me tell you a little about the salary levels of people on these projects. According to APPEA, the Australian Petroleum Production and Exploration Association, the barge welders are earning around $400,000 a year, and maritime workers covered by the federal offshore maritime agreements are paid over $200,000 for working five weeks on, five weeks off and they still get annual leave. Not a bad deal—none of us would mind it. The Prime Minister of Australia does not earn $400,000 for working half the year or less, yet these are the levels of the salaries about which my colleagues have been bitterly complaining and exercising criticism of this company.

Onslow, where the Wheatstone project is under construction, is the beneficiary of some $250 million of the social infrastructure funding—improvements to power and water, an extension to the hospital, a new community swimming pool, airports, roads, and $60 million awarded to Onslow based firms. Why would colleagues be complaining about a project of this scale when it is creating this level of employment and wealth in our state? There are 50 new homes. For those of you who do not know Onslow, it is a very small, humble, coastal location.

The second allegation for which I object most strongly and sought information on was an apparent claim of occupational health and safety so severe that the union was caused to make direct contact with Mr Roy Krzywosinski, the managing director of Chevron in WA. To my information, Mr Krzywosinski has had no contact from the MUA. Therefore, I sought the information. I seek leave to place on the record in Hansard graphs indicating the number of days away from work per 200,000 hours worked.

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Is the senator seeking leave to table the document?

Senator BACK: Yes.

Leave granted.

Senator BACK: Let me give you the figures. This is the company that, apparently, is so shocking in its occupational health and safety that in 2013, it recorded some 20 million days free of a single day away from work. When you look at that graph, as I have invited people around the chamber to do, you will see the construction industry has the highest rate, about 1.8 to two days per 200,000. Coming right down the graph, you will find oil and gas generally down around 0.2 and less. The Chevon company is less than 0.1 days per 200,000 hours worked. I do not mind a decent debate, but I will not stand by and watch the high repute of companies such as this one being trashed when this information is clearly available to anybody who wants to see it. It has six times the safety rate of others in equivalent industries. But the news gets better.

The Gorgon project has awarded more than 500 contracts to Australian companies and spent more than $27 billion already on Australian goods and services, principally of course in Western Australia. The flow-on effect: 270 Pilbara based organisations benefiting from the Gorgon project; and in Perth, 10,000 jobs as well as more jobs in the Pilbara. To date, 30,000 have completed the project induction course during construction. These are very, very fine figures. Allegations and challenges have been made about cost overruns—yes, $37 billion, I
think, up to $54 billion and a delay in the completion time. Given it is the biggest oil and gas project, I think, ever undertaken, you would expect to see some of these factors.

I asked why the maritime union and the Senate colleagues are not supporting projects of such a scale and such a nature. I could go on at length about the training programs, about the training undertaken in occupational health and safety, but of course all of that information is there to be seen. When one reflects on the figures and on the contribution of this particular company and this project not only to the West Australian economy but to the Australian economy, one can only ask why would they be levelling these allegations?

Mr Martin Ferguson, once a highly respected minister in the Labor government, made the observation that, industry wide, the LNG industry in 2011-12 earnt $12 billion in export revenue and put $30 billion into the Australian economy. It paid $8 billion in tax. There are $200 billion in new projects underway and there are 100,000 jobs in this economy as a result of oil and gas activity. By 2020, if we can keep the big players in the game and if we can remain or become competitive again, the opportunity is there for Australia to be earning annually in excess of some $12 billion in tax revenues.

This evening is not the time for me to expand on where the risks and the problems associated with our offshore oil and gas industry are, except to say we are rushing towards non-competitiveness. Already our costs to deliver gas into the Japanese market are some 30 per cent higher than some of our competitors, including Canada and Mozambique. But I will talk about that in greater detail when the time permits.

This evening I want to extend my comments on the oil and gas industry, because it goes to the competitiveness of the Western Australian economy. It goes to competitiveness, the industry's value to the Australian economy, and what is being held back and why. When I came into this place in 2009, in my first speech in the Senate I made the observation that the Western Australian community was getting 87c back for each dollar of GST contributed and that was costing the Western Australian economy some $300 million a year. That 87c went down to 57c by 2011. Today, for each dollar that Western Australia generates, we are getting back 37.6c. That is costing the Western Australian economy some $3.7 billion per annum. This is the top performing state. Can you imagine that in a relay race you would penalise—put heavy boots on—your fastest runner? That is exactly what is happening in this state at the moment.

In the GST component, Western Australia is contributing some $20 billion to the other states and territories. Where is it going? Queensland receives $600 million—$1,475 per person. South Australia receives $746 million—over $4,000 per person annually. Tasmania receives $500 million—$7,600 per person. Even the ACT receives $140 million that is coming out of Western Australia's pockets. And the Northern Territory receives some $1.73 billion—about $10,000 per person. Time does not permit me, this evening, to go fully into the background of the whole question of GST distribution. Senator Scullion should certainly not think for one minute that Western Australia is in any way trying to deprive the Northern Territory. But what has happened since the GST has come in is that where once the Commonwealth supported the Northern Territory and the ACT, that has now shifted. Most of the contribution from the four larger states' GST contributions now goes to the territories, particularly to the Northern Territory. The states are now funding the Northern Territory. No-
one is suggesting the Northern Territory does not need these funds, but we need to consider
the origin of those funds.

People say that traditionally Western Australia was favoured in the Grants Commission
process. The Grants Commission process came about after 1933, when the Western
Australian community voted during a referendum at an election to secede. The Grants
Commission came into existence and—let me make this point very strongly—the equalisation
process took place in Western Australia's favour to compensate for unfair tariff protection,
which existed in the larger and manufacturing states. It was never a subsidy; it was
compensation. It was compensation for the high tariffs that then existed in the manufacturing
states.

We all know what the impact of tariffs is. That has been discovered now. The impact of
tariffs is to remove competitiveness. Industries are no longer encouraged to compete
internationally because they are receiving protection. I would also remind colleagues that,
while we heard the other day of the efforts of the then Menzies government and
documentation signed by the grandfather of Prime Minister Abe of Japan, it was the David
Brand-Charles Court team in Western Australia in the 1960s that had to fight Canberra, tooth
and nail, to open up the iron ore export industry.

Today we take it for granted. Today we take for granted the value of more than a million
tonnes a day that is exported out of our northern port of Port Hedland. In the 1960s, Brand
and Court had to fight tooth and nail to establish that industry with Japanese investment. Of
course, we know the history. With respect to the North West Shelf, the Alcoa company agreed
to take gas on a take-or-pay basis. The Western Australian government, led by Sir Charles
Court, took the risk of a take-or-pay arrangement when there was no gas available in the
south.

So, with respect to the circumstances that existed around GST, the very strong point that I
want to make is this. Along with other factors in the formula, there should be an inclusion of a
capacity, in each of the states and territories, to earn revenue. The performance of a state or
territory against that pre-set goal for revenue should determine, in some way, the contribution
that that state or territory receives. GST distribution must be on a per capita basis up to a
certain level beyond which there is a reserve fund from which the government, under a
formula—be it through the Grants Commission or whatever replaces it—can make those
allocations to states and territories that require it.

But when you get to a circumstance in which Western Australia has deteriorated from 87c
to 37c, surely anybody can see, in the analogy of the relay team, that the team will not do well
if the best performer is being held back. That is the circumstance we find ourselves in now. In
fact, the state Treasurer and Premier have made the observation that that 37c is at risk, as iron
ore prices today went down to below $80 a tonne. That is $43 a tonne less than the Western
Australian Treasury's estimate for iron ore prices.

That impact is massive. For each dollar below the forecast figure, you can look at $50
million of lost revenue. This must have an impact on the Western Australian, and therefore
the Australian, economy. Again, time does not permit me to go further this evening, except to
say that we have a circumstance now, as a result of imbalance, where the federal government
is earning 80 per cent of the revenue and expending about 50 per cent of the national
expenditure. On the other hand, the states are earning 15 per cent of the revenue and are
responsible for somewhere around just under 50 per cent—the balance being made from local
governments.

This federation is in somewhat of a quandary. I come back to the point I made at the
beginning of this contribution. If we are not going to have leg from this Australian parliament,
leg from the senators in it, leg from those in the Senate who are representatives of the states, if
we are not going to have a circumstance in which we parliamentarians support the sorts of
industries that create wealth then we are in a very, very unfortunate circumstance.

**Health Care**

**Senator O'NEILL** (New South Wales) (21:00): Tonight I rise to both celebrate and
lament on behalf of the primary health care of this country. Globally Australia delivers some
of the best primary health care in the world. Our Medicare Local network is cost-effective,
immobile and responsive. Medicare Locals are primary health care organisations that were
established by the last government, the Labor government, to coordinate primary health care
delivery and to tackle local health care needs and service gaps. They make prevention their
first order of business every day. Their second order of business is to connect the services to
provide the best possible health care for Australian citizens.

We celebrate, as the Labor Party, the diversity with Medicare Locals because this diversity,
unique to each area and community, enables tailored, timely, responses in unique
circumstances. At a time when the population is ageing and chronic illness is increasing, it
seems inconceivable that any government would want to make the changes this Abbott
government is intent on, to break up this strong, front-line network of evidence based
excellence in health care delivery, to place barriers in the way of people accessing primary
care.

I have the honour and privilege of chairing the Senate Select Committee on Health. The
committee has had hearings to date in Townsville, Canberra, Moruya and Lismore. The same
sense of urgency is being relayed to us in place after place—urgency about the cuts to health
care in rural and regional areas, the dismay at the closure of Medicare Locals and the loss of
best practice, evidence based health programs and the professional health workforce that are
vital to these communities. The preventive health programs in Townsville, the fantastic
chronic disease management plans being created in Lismore and the integration of allied
health and general practice in Moruya are creating a one-stop shop for accessing quality
primary care. All of this, and so much more across this nation, is now under threat because of
new taxes and cuts, cuts and more cuts by this Abbott, Liberal-National Party coalition. I will
quote extensively from the evidence we have received because the voices of these Australians
are powerful and should be heard in this place. Professor Larkins from Townsville told us in
relation the GP tax:

I think it will be devastating. I am speaking not only as a community member but as a GP. My
clinical background is mostly in Aboriginal and Torres Strait Islander health. I was at the local
community controlled health service for 15 years. Now I am in a private general practice but 50 or 60
per cent of the patients I see would still be Aboriginal and Torres Strait Islander. Most of the remainder
are low-income earners for some reason or another.

I do not see people with constant colds in my practice. I see people with a raft of chronic
comorbidities. They are very complex. There are very often complex social issues. Seeing them
regularly in a general practice with very good team based, multidisciplinary care—maybe once a month
or so—I have no doubt I am keeping multiple people out of hospital and out of the expensive end of the health service. I also have no doubt that were there a co-payment introduced, and were we to charge it, my patients just would not come. They would just put other things ahead of health care, such as feeding their families and transport. They would not attend for primary care. The upshot of that would be more emergency department presentations and late-stage chronic disease admissions.

Professor Larkins knows a thing or two about primary health care and she knows her community. She articulated the great danger that is being foisted on this country right now by those opposite. Similarly, Mr Gil Wilson, a clinical nurse specialist from Lismore, went on the record and told us exactly what his days present him with:

I walk through wards every day where I see elderly people who are in hospital simply because they could not afford to fulfil their medication scripts. They say, 'I could not get them for a couple of weeks. The pension is not much.' I hear it every second day. These sorts of things happen. They sit in hospitals, chewing up our funding, simply because they cannot fulfil their scripts. If you do not take care of your health, your health will take care of you eventually.

Then there are people with chronic conditions. Nobody chooses to be a diabetic. Nobody chooses to be an asthmatic. But if you put barriers up that prevent people seeking health care, such as a $7 GP co-payment, they may not go when that cough starts. They might say, 'I'll be right. My asthma is fine.' They can end up in hospital, in an ICU, with a ventilator tube shoved down their throat and a specialist like me caring for them for 24 hours until such time as they can go out and pay their taxes again.

Gil went on to say:

Any impingement to health is a dumb-ass idea. A $7 GP co-payment will see these patients come through the ED system. If you do not charge it at ED, then that is what is going to happen. Our lower socioeconomic groups will be pushed into ED system

Lismore Base ED is currently going through a revamp to 30-odd beds, which is excellent, but we are nowhere near that. We run at a high occupancy every day. We have ambulances backed up. As an after-hours manager, I can get three or four calls from the ambulance person saying, 'Why are my ambulances still there?' I have to tell them, 'I need beds to put patients in. I don't have a bed to put them in at the moment.' That then takes ambulances off the road.

This type of evidence is not isolated. From Moruya, we have Dr Carlson's thoughts on the co-payment, which echo Professor Larkins. He said:

I just do not understand how there was no thought put into this process of educating the community. I think people contributing to the cost of their health care is a good thing, but I do not think you do it overnight and make a blanket 'Here, everybody is going to have to pay this.' I have patients who do not have $7 in their pocket. Whether they smoke or drink or eat McDonalds is irrelevant. They do not have $7 in their pocket today and they will not tomorrow. They live from day to day. They may have a mental illness. They may have a chronic illness such as diabetes, as well. They struggle with accommodation and transport. They do not have $7. At the moment they have a health care card, and, being in a rural area, if my practice is prepared to bulk bill them I also get the $9.10 incentive payment. If we have to charge them a $7 co-payment they cannot afford, and we lost the $9.10 incentive payment, what we are actually losing is approximately $16 that we would currently get if we see that patient and bulk bill them. General practice is not sustainable when you bulk bill every patient. The cost of business is enormous. My practice has a philosophical approach. We believe in providing care to patients irrespective of whether they can afford it. We bulk bill a lot of people and that $9 co-payment makes it possible. But, if we lose $16 per patient, and instead of getting in the region of $45 a consultation it will drop back to just under $30, we are going to have to make some very significant decisions about how we manage those patients and whether or not we can afford it. I am not really sure why the expectation is that general practice has to absorb those costs. All it can result in is us putting off
staff. We cannot afford that cost in 10, 20 or 30 per cent of our patients. It will make our business unsustainable, which means that you do not have quality general practice in this rural area any more. So what do these people then do?

Indeed, what do these people do when this government has systematically and deliberately completely unpicked a right to health care for ordinary Australians and has taken away, from the most vulnerable, points of access to primary health care?

This week I visited Martin Carlson's practice on Queen Street in Moruya. The practice has 13 general practitioners offering generational care to families in the Moruya area and surrounds. They see from 150 to 400 patients per day. They offer nursing home visits, home visits and after-hours care. This practice is innovative, efficient and caring towards their community. While it is an exemplary practice in that area, can I say that we have seen the quality of this sort of practice replicated around the country. We met there nurse practitioners who have become a vital part of what is able to be delivered through our local GPs these days. Indeed, we heard one of the local GPs there say, 'Can you imagine what it was like before we had nurse practitioners?’ So embedded is primary care and integration of all levels of doctors, nurses and allied health professionals that we are seeing a transformation of health care in communities such as Moruya.

This particular practice has a model that is replicated around the country, particularly because of the engagement of Medicare Locals in building these connections. This practice has pathology on site, physiotherapy, a psychologist, an audiologist, speech pathology and four rural clinical nurse specialists who implement the Queen Street Better Health program, offering coordinated clinical programs for chronic disease management including diabetes and kidney disease plus coordinated veterans care, health assessments and GP management plans. They are innovative, they are connected, they care, they are improving the health outcomes of their local community, but they are determined to be punishable by this government in the most shameful way.

Moruya is a low socioeconomic area and this practice bulk bills 90 per cent of its patients. In fact, the conditions there replicate the conditions in many of the electorates held by National Party members in this place, who are mute on this matter—silent in coalition with their Liberal partners. They are worried in this community about the proposed GP co-payment and the impact on their patients. And so they should be. In that electorate alone, the $7 GP co-payment is going to take $4.7 million out of the pockets of local people, out of that local economy, in its very first year. The most worrying thing, though, is that people will not be able to afford to attend to their healthcare needs. Imagine saying that out loud in the parliament of Australia, in this year, in this wealthy nation. This government is constructing a reality where we are saying to Australians, 'It's too bad if you can't afford to attend to your healthcare needs.

The audiologist in Moruya comes to the practice two days a week from Ulladulla, an hour's drive from Moruya. Prior to settling in with this GP clinic, those services were inaccessible to many people in the community. It is one of the critical partnerships that the Medicare Local facilitated and has established. The obvious improvement in access to these services is clear, and the obvious improvements for the GPs, the nurses and the patients that we saw there were manifest.
The allied health practitioners working in partnership with this general practice all have private practices in neighbouring regions; however, by working alongside the nurses and the GPs in this practice, they can provide holistic care, saving hundreds of kilometres of travel and thousands of dollars in costs to individuals—and, most importantly, providing timely access to the quality care people need and deserve. At least that is the view that I believe most Australians have—although sadly not this miserly government.

Much of the training for the nurses and practice staff in this practice has been provided by Medicare Locals, and many of the relationships with the allied health providers was facilitated by Medicare Locals. This is just one example of a model of primary care delivery working very well, and under threat by the introduction of the GP tax and the abolition of Medicare Locals.

Sixty-one Medicare Locals were established. It is proposed that they will be reduced to maybe 25 primary health networks—or maybe 31. No-one knows. There is no detail. There is no engagement of the expertise on the ground. GPs and critical people like the people whose testimony I have reported in this place this evening are not being consulted by this government, who, in their high and mighty stance on all issues, believe they are above consultation with the key players in the industry. They have excluded expertise. They have sought only to impose their ideological warfare on health seekers in this nation.

There is an absolute failure from this government to meet their own time lines on the rollout of the primary health network that they propose. The sharing of information is tardy and delayed. But they are retaining a hard date for the closure of Medicare Locals of 30 June. The breathtaking arrogance of this government beggars belief. In my view, the health budget is a sign of a set of beliefs and values of a nation about its people. Health budgets—perhaps more than any other part of the budget—reveal whether a country and community has its priorities right. Budgets are all about spending choices. A wealthy country such as ours should be choosing to invest in its greatest resource—its people, their health and their wellbeing. Ill-health, failure to prevent disease, failure to respond to rural and regional Australians, to help them back to a full life of work, rest and play costs us all.

There is a profound productivity cost. There is a hit on our national economy from the short-sighted ideological war that the Liberal-National coalition are inflicting on our health sector at this time. They are costing us in the quality of life and relationships. Their vision, or dystopian view of the world, costs us in terms of people's capacity to participate in the workforce, to run small businesses, to employ people. And it costs in that most often prized measure, our GDP. National wealth is adversely affected by ill health. That is why spending on health is an investment, not the permanent cost burden that we hear about from those opposite.

At the end of life, our decisions around life reveal our respect for our citizens—or our abandonment of them in their last hours. We need careful, informed discussions about health with the sector and the citizenry, not ideas imposed from on high by ideologues of the first order.

Let me be clear: the closure of 61 Medicare Locals is being done in spite. It is being done in spite of Professor John Horvath’s review, which found that Medicare Locals were substantially doing precisely what Labor established them to do—that is, to better integrate...
the fragmented health services across Australia and improve health outcomes of Australians at a localised level.

Sixty-one Medicare Locals have been told to close up, and to dismiss staff and teams that are deeply knowledgeable about their particular communities. They will be closed up, in spite of the fact that they all hold comprehensive population health data that can be used to drive reform and design, and implement programs at a local level to deliver savings to the system and improve the health of every community.

I have been hearing about the great preventative health programs that are being delivered via Medicare Locals. I have been hearing of the leaps forward in chronic disease management, mental health care and Indigenous health. These improvements are achieved by integrating care, integrating teams of health professionals, integrating with local council programs and integrating with local leaders in communities.

Medicare Locals have proven that good health does not always equal good medicine and doctors alone. Good health is much broader than that. Increasingly, we are seeing and receiving evidence that shows the importance of allied health professionals working together with medical practitioners to deliver better health outcomes.

The future health outcomes of Australians relies on us in this place deciding to support a universal health insurance scheme, where everyone pays and everyone gets the care that they need.

Tasmania: Indigenous Affairs

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (21:20): I rise in this adjournment debate to alert the people of Tasmania to a crisis which has developed in the management of Indigenous affairs in Tasmania. I have written today to the Prime Minster and to the Federal Police Commissioner, asking for their help and consideration. The correspondence is as follows:

Dear Prime Minister

RE: Independent Investigation (Royal Commission) into Tasmanian management of Indigenous Affairs

I write to express my grave concerns about the management of Aboriginal affairs in Tasmania and to call for a Royal Commission.

I also write to inform you of what I believe are credible reports of threats to the physical safety of members of the Tasmanian Indigenous community, myself and my family.

I have become aware of these threats after I detailed my indigenous heritage in my first speech to the Australian Senate.

The allegations of threats of physical harm to myself and others -according to whistle blowers, come from people associated with the Tasmanian Aboriginal Center and members of the 'Mansell' family.

A number of people claiming to be Tasmanian Aboriginals have contacted my office since Mr Clyde Mansell launched an extraordinary personal attack in reaction to the disclosure of my Tasmanian aboriginal heritage during my fist speech to the Senate.

One common allegation is that there are strong family links between the TAC and outlaw bikers.

A photograph of Michael Mansells former wife and Tasmanian Aboriginal Centre chief executive Heather Sculthorpe standing in front and being supported by a group of Rebels Bikers - on the 26th of
January 2014 and featured in a local newspaper is said to have sent shock waves through the indigenous community.

The message according to my source was:

"Now at an invasion day rally on Australia Day that was held on the lawns of Parliament House recently Heather was photographed – and it was in the Mercury standing right in front of a whole line of Rebels Motorcycle gang members who were present – and it caused real waves in the aboriginal community because a lot of people felt very, very uncomfortable linking aboriginal politics if you like or aboriginal activities, cultural activities with henchmen basically - and with people involved in illegal activities - and I mean we've got a lot of people in our community who are young and who go off the rails and they join motorcycle clubs and then they go to gaol or even worse -

- young people get addicted to drugs and they are used as drug mules and then they end up ya know what I mean sourcing those drugs from those same bike groups -

- so what does it mean for people who come out and support the aboriginal community when they are backhandedly selling our children drugs and killing them."

The people making that allegation have expressed great fear of the physical, psychological and financial harm - that the Mansell family is capable of causing to any one who tries to claim their Tasmanian aboriginal identity - without first seeking the approval and endorsement of the TAC and/or Mansell family.

I note that the media has reported - a special police operation, Operation Morpheus, nation wide - is now being conducted, that hits the increasing number of bikie gangs and members posing the highest risk to the community through their violent and criminal activities.

I would appreciate the attention of Operation Morpheus in Tasmanian in relation to these allegations.

My staff conducted two telephone interviews with a potential whistle blower.

During the second call, because information of alleged threats to the physical safety of myself, my family members and others was likely to be disclosed - a recording device Under s 5 of the Listening Devices Act 1991 (Tas)

• (if there is a reasonable belief that it is immediately necessary to get evidence or information in respect of an imminent threat of serious violence to a person, of substantial damage to property or a serious narcotics offence: s 5(2)(c))

... was used in order to make accurate records of the conversation.

I have attached a transcript of that phone call and conversation for your and the federal police's records and information.

You'll note that the person disclosing the alleged threats to myself and my family members also claims to be a victim of violence themselves -and expresses great fear.

I ask that you and the federal police deal with this report and allegations in a sensitive manner while also offering protection and if possible - anonymity to the whistle blower.

I note that the provision of anonymity is available under both federal and state public disclosure legislation.

I find it strange and bizarre in the extreme - that persons who visited Muammar Gaddafi and formed friendship and links with one the worlds worst and most notorious terrorist networks - have been - over the years entrusted with the management of hundreds of millions of tax payers dollars.
How did this unsatisfactory situation develop and why was it allowed to continue despite a number of serious public complaints?

I will not be satisfied with anything less than a Royal Commission investigation.

According to parliamentary library study—there are more than 19000 Tasmanians who claim aboriginal ancestry who live in Tasmania.

However the TAC and associated Mansell family members and friends who are effectively in charge of the official state recognition of indigenous people - only acknowledge approximately 3000 Tasmanians who claim official indigenous recognition.

This fact alone should ring alarm bells.

Combine this fact with allegations that persons from the TAC who are closely affiliated with out law motorcycle gang members - also have influence within the Tasmanian Department of Child Services and are possibly registered official foster carers- and you have a recipe for a child safety disaster.

I also note that it is commonly acknowledged that a methamphetamine crisis or ICE epidemic has befallen many communities in Tasmania.

The one of the root causes of this vile social cancer afflicting the youth both indigenous and non indigenous are members of Out Law Bikers gangs.

My blood boils when I see Out Law Biker gang HQ's brazenly established opposite Tasmanian Councils Halls and Children's school grounds.

What is happening in Tasmania when these people who proudly claim they are 1% ers in other words criminals - are allowed to brazenly display their colors and power?

I've been made aware of the extreme level of fear that is in communities with regard to the threat Out Law Biker Gangs pose to Whistle Blowers and people who speak out about the real cause of the ICE epidemic in Tasmania.

I have spoken to senior members of the media who for reasons of personal safety refuse to write about the high levels of criminal influence, reach and adverse influence Tasmanian outlaw biker gangs possess.

In closing - I would like you to make it a priority to rid Tasmania of the evil influence of out law motor cycle gangs. Apart from Islamic extremists, they pose one of the greatest threats to the safety and well being of our communities and children.

And secondly I want you to use every resource and power at your disposal to investigate the management of commonwealth and states funds ear marked for Tasmanian indigenous programs and people.

I strongly believe that the only way you will be able to guarantee no criminal activity, misappropriation or fraudulent use of public funds has occurred - over the time its been managed by people associated with TAC and the Mansell family is for a Royal Commission investigation to take place.

I would like you to offer and guarantee immediate protection to whistleblowers. The level of Aboriginal disadvantage is at a critical level. Aboriginal mortality rates, education standards, rates of criminality and social disadvantage are not acceptable.

Andrew Forrest says that "Seismic, not incremental change is required and the time for action is now. These solutions are not expensive and parity is completely achievable with the strength of will from each of us."

A Royal Commission into the management of funds ear marked for Tasmanian Aboriginal people in the long run will save money and lives. It will also produce meaningful and seismic change in Tasmanian Aboriginal affairs.
Yours faithfully
Senator Jacqui Lambie
Senator for Tasmania

Mr Acting Deputy President, in my letter you have heard some of the concerns expressed to my staff by an Indigenous whistleblower. It is important that this person's voice be further heard in this chamber so that Tasmanians and Australians can understand why it is important to conduct an independent inquiry.

The following are the exact words spoken by this whistleblower to a staff member. I have selected important replies during a conversation which lasted more than 30 minutes. The whistleblower reports:

That is exactly right and my aboriginality is endorsed by the aboriginal land council of Tasmania and by the Tasmanian Aboriginal Centre, so I've been through their Aboriginality processes but mind you it's very begrudging recognition.

Staff:
OK is there, is it a difficult process to go through?

Whistleblower:
I've been through seven separate aboriginality processes um in my life time starting when I was seventeen years old, um, when everyone has been as vicious as the next.

Staff:
What...

Whistleblower:
Absolutely administratively vicious, um you know the one for um the Tasmanian Aboriginal Centre was extremely awful, very abusive very violent … you know the administrative equivalent of running a gauntlet and saying if you come out the other end.

Staff:
You're not talking about physically violent though are you?

Whistleblower:
It can get physically violent.

Staff:
From the ...

Whistleblower:
I've certainly been assaulted on previous occasions by other aboriginal community members and certainly verbally abused, I've been excluded … you know and so has anybody who is a member of my family, family group, um and really any of the family groups in Tasmania are vulnerable to that, … if you have political differences to the TAC are out.

Staff:
Yep, you make very good points. Now what concerns me was that you expressed this morning that because you refused to make a public statement denouncing Jacqui that Mr Mansell … you felt a sense of threat, a physical threat.

Whistleblower:
Well I think anybody in the aboriginal community who expressed any kind of sympathy for Jacqui right now um or anything she say's is likely to be attacked.

Staff:
By the Mansell's?

Whistleblower:
By the Mansell's and by you know his cohort I suppose, so I anybody in the TAC basically. Um you know like I said you know they are a very powerful family structure within the aboriginal community and that's how they retain power, so even the TAC Facebook page, the Tasmanian Aboriginal Centre Facebook page this afternoon they're coming out on that page with some really horrible laterally violent stuff against Jacqui, because they're garnering support and are misrepresenting the things that she's said and all kinds of things … you know so it's a pretty dangerous space for any one individual in the aboriginal community to sort of put our hand up and kind of go well actually what about this or look I don't think she Jacqui was saying this I think she was saying something else. Just no capacity to be able do that kind of stuff within the aboriginal community without drawing such vicious betrayal to yourself that it is frightening.

Staff:
Do you still say that the aboriginal community has been terrorised by the TAC?

Whistleblower:
Yeah, and others associated with the TAC. The TAC structure itself and by the Aboriginal Land Council of Tasmania and you know look you know the TAC has a lot of membership um but really its only serving a really very small group in the community because its serving a few small family groups.

Staff:
Yes.

Whistleblower:
But you know what I mean so..

Staff:
And they're headed by the Mansell's obviously.

Whistleblower:
Yep. And Heather Sculthorpe.

Staff:
And Heather Sculthorpe, now just explain the connection that Heather Sculthorpe has to the Mansell's and also the connection's you talked about to the Outlaw Motorcycle gangs.

Whistleblower:
Well Heather Sculthorpe is the CEO she is the State-wide CEO of The Tasmanian Aboriginal Centre. The Tasmanian Aboriginal Centre has three branch organisations one located in Burnie, one located in Launceston and one in Hobart, so she oversees the three of those branches now it has a state-wide committee but the state-wide committee is a bit of a joke because its controlled by Heather as you know politically as CEO so it's a case of you know the tail wagging the dog if you like, now Heather and Michael Mansell were married for a very long time and they had a daughter Narla McKenna Mansell, now Narla McKenna Mansell has been state secretary of the TAC on and off for years and years and years and you know nobody has ever seen that as a conflict of interest but you know it's been its just been very interesting urn so basically you know a lot of opportunities and stuff like that within the TAC just go to people within those family structures and never hits the people on the ground … you know
just out in community or whatever they never get a shot at going on oversee trips or repatriation of human remains or any of the big you know the big very culturally important activities it's all reserved for those immediate family groups so they've been developed as an honorarchy and a leadership. Now Narla who is Heather and Michaels daughter married to the president of I'm sure it's the Rebels Motorcycle Club but I would just say a prominent Tasmanian Motorcycle club—right.

Staff:
Yep.

Whistleblower:
Now at an invasion day rally an Australia Day that was held on the lawns of Parliament House recently Heather was photographed and it was in the Mercury standing in front of right a whole line of Rebels Motorcycle gang members who were present and it caused real waves in the aboriginal community because a lot of people felt very, very uncomfortable linking aboriginal politics if you like or aboriginal activities, cultural activities with henchman basically and with people involved in illegal activities and I mean we've got a lot of people in our community who, young, who go off the rails and they join motorcycle clubs and then they go to gaol or even worse young people get addicted to drugs and then they end up ya know what I mean sourcing those drugs from those same bike groups so what does it mean for people who come out and support the aboriginal community when they are backhandedly selling our children drugs and killing them.

Staff:
I understand that the ICE problem is very big in certain communities—Smithton?

Whistleblower:
Massive in Tasmania, massive, especially massive in Launceston and especially massive on the North West coast of Tasmania where Jacqui comes from, so I don't know where the ICE problem is everywhere. I mean we know what I mean? I can only guess but I mean look it struck me as extremely strange as an aboriginal community member, I mean look I guess at the end of the day if the Aboriginal community are holding a cultural event like commemorating you know what happened to aboriginal people on Australia Day publicly then anybody from the community is sort of welcome to attend, but I just found it strange that we would be so welcoming do you know what I mean to an outlaw motorcycle gang that state government are trying to rid Tasmania of.

Clearly there is a serious crisis in the management of Indigenous affairs in Tasmania, and I believe that there is no other choice than to ask that all members support the establishment of a royal commission.

Manufacturing

Senator MADIGAN (Victoria) (21:38): Tonight I wish to confirm what I see are some of the challenges of the parliament and the country. These are issues that underpin the Australian way of life and present us as the parliament with a roadmap for the future. I wish to speak about the health of our families and our communities. I wish to speak about the strength of our manufacturing sector and how it is being undermined. I wish to speak about the crucial issue of jobs and justice and the challenges facing our farming and food processing sectors. I will speak about the sanctity of each human life, from conception to classroom, from factory floor to natural death. And I reaffirm my commitment to the people of Victoria, to the people who voted for me and the people who did not.

In my time here I have seen how easily distracted we can become. I have seen how easily the parliament focuses its attention on an issue, another issue and then another issue. The
media then runs rampant with the issue of the day. And I see how the cut and thrust of political battle can divert our attention. But the fundamentals and challenges remain and we ignore those at our peril. I am proud to say that away from this place I spend as much time as I can on factory floors. I like mixing with the workers and the people who actually make things. I like to speak to farmers over their paddock fences. I like going to schools and church halls and I like attending community events. It enables me to take a pulse reading on what matters to real people.

Last week I was pleased to speak at the annual conference of the Australian Window Association. This is not a well-known sector of Australian manufacturing, but it is a vitally important employer of some 16,000 people. This sector is being crucified by the import of non-compliant building products. Four thousand glass installation businesses went to the wall in the years 2010 to 2012, and we are seeing a similar decimation across other aspects of the building and construction industry. There is a tsunami of cheap, non-compliant and substandard building products entering Australia. Only this week we saw reports of the need to replace dangerous and illegal electrical cables in new Australian homes. This will reportedly cost $80 million. Much of this cable was reportedly sold by Woolworths owned hardware stores. Business owners I spoke with at the AWA conference decried Australia's fundamentalist dedication to free trade. They were angry at the government's lack of effective enforcement procedures. They were angry at the official blind eye to an issue killing Australian business and with the potential to kill Australian homeowners.

The strength of our manufacturing sector is directly related to the strength of our jobs market. If someone has a job, they have a sense of self-worth. If someone has a job, he or she can provide for their family. If someone has a job, they can be active and responsible members of their community. I get laughed at from both sides of the Senate when I talk about this, but many Australians are discontent with their politicians and the government. Many Australians feel disconnected and unsupported. They do not feel listened to and feel they are on their own. What I hear when I am away from this place are stories of Australians getting screwed over by our system. I see Australian families torn apart in our courts. I see Australian families fleeced by barracuda lawyers and a Family Court straining under the load. I see rural communities split apart and not listened to, gamely trying to fight coal-seam gas and wind farm offences.

In many cases, Australian rural families feel isolated and unsupported in the face of big businesses—nearly all foreign owned and intent on raping our countryside. I see Australian farming families screwed by the big supermarket chains, battling for years under increasingly smaller returns. I see those same families driven to the wall, and sometimes suicide affects those families due to unscrupulous lending practices by major financial institutions. I see some of our finest agricultural land being snapped up by foreign interests at bargain basement prices, and then the foreign companies have the gall to boast that they can do it better by bringing in foreign workers and exporting some of our finest produce overseas.

Then there is the vital question of water. I abstained from the vote on the Murray-Darling Basin Plan. I believe it was a cruel and deliberate attempt to mislead farmers—a kick in the head for our rural communities. At the time, I called the so-called Murray-Darling Basin Plan a cancer amongst our farming communities, a con job on rural Australia. Water storage in the basin is currently at 66 per cent. I have had meetings with concerned constituents about
incidental tributary run-off. I am alarmed that this is completely unaccounted for in the Murray-Darling Basin Plan. These people say their land is being flooded. The viability of their crops and livestock is being threatened without compensation.

I see our housing markets running out of control with escalating prices. For many, the dream of owning their own home is now a fantasy unlikely to be fulfilled. I see again a government that is either inept or incapable of stopping the foreign buy-out of Australian residential real estate. Millions of Australians now seem condemned to an uncertain lifetime of being tenants.

I see a tax system that is prejudiced against Australian families in not recognising that our future lies with our children and in creating safe and supportive family environments. I see how the government's budget hits hardest those with the least. I have met countless constituents who have begged me to fight against the Medicare co-payment or at least to have it amended.

I have had numerous meetings with groups urging me to vote against the government's proposed Fair Work amendments. If these amendments are passed, Australia will become a low-wage no-benefit US style employment system. Can you imagine the fallout? The rich will get richer, the poor will get poorer and the gap between the two will undoubtedly widen. Can you imagine the social impact if the government's social welfare changes are brought in. Can you begin to imagine the hardship if the proposed changes to the pension system are made law?

I recognise the value of human dignity, the worth of each human life. In my own state I see the worst abortion laws in the Western world, with late-term abortions available and taking place at an alarming rate. These are government funded by our Medicare system. I despair for the babies who are murdered. I despair at the psychological and physical impact on women undergoing late-term abortions. I express my solidarity with women struggling with an unintended pregnancy or who have fallen victim to abortion. In short, I support the concept of the sanctity of life from conception to natural death. I oppose embryonic stem cell research. Human life, even in its more basic form, is something to be cherished and protected. I am aware of a growing campaign in support of euthanasia. But the care of our frail, elderly and dying is an intrinsic part of my ethos of respect for humanity in all its forms.

I will always support the concept of traditional marriage between a man and a woman. Research shows that a traditional family is the most effective way to raise children. I remain committed to the family unit. Even in this time of diversity the traditional family is the best environment in which to raise children.

On July 16 this year I put on record that the practice of forced organ harvesting in countries including China should not be ignored under any circumstances. But of course if you mention China in this or the other place, people crumble and principles die. A utilitarian view of society—the relegation of some groups, no matter how small, to the category of collateral damage—is intrinsically horrific. What makes one life worth more than another? Their age? Their wealth? Their profession? Where they live? Who they vote for? Such an approach is anti-Australian and contrary to the long-held belief of a fair go for all.

I reconfirm my commitment to fighting for all Victorians. I will continue to oppose big business riding roughshod over our communities. I will continue to fight for workers,
families, farmers and small business people. I will continue to fight for those with the least, those who are struggling.

Currently before the parliament is my Fair Trade (Workers' Rights) Bill. This bill seeks to ensure that those countries that wish to benefit from entering into a trade agreement with Australia include minimum standards about workers' rights in their domestic law. Australian employers pay superannuation. Australian businesses provide compulsory workers compensation insurance. They provide a safe workplace; they do not consume people to make a product. They pay a decent basic wage and they have thrust upon them a number of other expenses that make Australian workplaces generally great places to work. So why shouldn't companies exporting to Australia have to meet the same requirements? How can Australian companies compete with Asian sweatshops or any other sweatshops? It is about comparing apples with apples. The issue is about fair trade, not some hazy ill-defined concept of free trade that is currently killing Australian manufacturing and people's jobs.

My Fair Trade (Australian Standards) Bill 2013 is about increasing the standards of products sold on the Australian market in a fair and reasonable way. The bill will require Australia's trading partners to ensure that companies that export goods to Australia take responsibility for ensuring that their manufactured goods meet Australian standards prior to being sold on the Australian market. The requirement will require the minister to ensure that appropriate requirements are included in any trade agreement that Australia enters into with another country.

This bill was written to protect the Australian consumer from products which do not meet Australian standards and have been known to risk peoples' lives. In the media in recent months we have been inundated with examples of products being imported from overseas that do not meet Australian standards. Yet they are not covered under the ACCC's area of authority or anyone else's area of authority. This bill creates a holistic solution which will ensure responsibility and accountability so that standards are enforced across borders, with the assistance of foreign diplomatic assistance at the highest level.

My bill which seeks to abolish Medicare funding for abortions based on gender selection is still before the parliament. Such a practice is prevalent in some cultures, in particular where there is a cost burden associated with female children and where family size is forcibly restricted by a one-child policy. And this practice, contrary to what some people may think, goes on in Australia and not just amongst immigrant families. Every life is important; every life matters.

The Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013, which I cosponsored with Senator Xenophon, is another bill currently before the parliament. It aims to create a specific entity tasked with examining, reconstructing and improving the financial status of the Australian agricultural sector and its associated industries.

As such, the bill establishes an Australian Reconstruction and Development Board, under the Reserve Bank, with the task of forming and implementing rural reconstruction and development policy. Rural Australia is struggling under an insurmountable debt burden, characterised by low farm income and lending practices of financial institutions in deregulated financial markets.
The ARDB would include the ability to facilitate and, when necessary, manage rural adjustment and financial reconstruction activities. It would also be able to tailor funding and financial arrangements to meet identified needs of nationally important industries operating in particularly uncertain or risky environments. The ARDB would also play a vital role in researching and monitoring industries, to provide advance warning of emerging problems and to initiate reconstruction, development or other activities as deemed necessary. In short, the ARDB would be a shot in the arm for our struggling farm sector.

And, finally, the Flags Amendment Bill, which, again, I co-sponsored with Senator Xenophon, amends the National Flag Act 1953 to require that Australian flags flown, used or supplied by the Commonwealth be manufactured in Australia. Tokenism, some may say. Absolutely not, I say.

If the Australian government does not directly promote Australian manufacturing by procuring and using Australian-made products, what hope is there for our manufacturing sector? And what a slap in the face it is to all those Australian businesses when our own government buys goods overseas to the detriment of Australian businesses.

My promise to the people of Victoria is that I will continue to fight for justice and a fair go. I will continue to put people first. I will not rest until we have a more compassionate and a more just society.

Independent Commission Against Corruption

Senator RHIANNON (New South Wales) (21:55): The ICAC report into New South Wales politics is due to be handed down in December, possibly close to Christmas. The work of ICAC holds significance for our own work as federal MPs and all aspects of federal public life. It is clearly time for a federal ICAC. Why Labor and the coalition continue to back each other in refusing such an oversight body is raising suspicions. The regular comment I hear is: what have they got to hide?

The corrupt activities revealed by ICAC are not just damaging to individuals caught up in the proceedings and the political parties they belong to; the very fabric of democracy is weakened and tarnished. All of us in public and political life are impacted.

There is enough evidence in the public domain for Prime Minister Tony Abbott and opposition leader Bill Shorten to respond by publicly committing to clean politics and the formation of a national ICAC.

The Liberal Party have a lot of rebuilding to do. Twelve New South Wales and federal Liberal MPs have resigned or stood aside following corruption inquiries this year. The spotlight is moving to the Prime Minister. What will he do about Senator Arthur Sinodinos? I understand many senators have not read the ICAC transcripts. That is understandable; they are obviously quite long. So I will summarise some of them.

When Senator Sinodinos was questioned about the period when he was the deputy chair of Australian Water Holdings and the Liberal Party Treasurer various information came to light. Clearly, these were two high-level positions, carrying great responsibility. In evidence, Senator Sinodinos said that he had no knowledge of extensive donations made to the Liberal Party. This evidence was limited, as the senator said he did not remember in response to a number of questions he was asked in his two appearances at the ICAC inquiry. Senator Sinodinos could have set an ICAC record for not remembering.
All up, there were 69 occasions when he did not remember. The senator gave 25 'I don't recollect' responses; 41 'I don't remember' responses; and two 'I don't recall' responses. Then there was one response, 'Not that I can recollect.' What he actually said at this time is interesting. This was when counsel assisting ICAC, Geoffrey Watson SC, asked:

Did you know at the Liberal Party in your capacity as treasurer that Australian Water Holdings was making donations to the Liberal Party?

Senator Sinodinos said, 'Not that I can recollect.' At least the senator did acknowledge that he had failed to declare that he was set to make between $10 million and $20 million from a possible public-private partnership between Australian Water Holdings and Sydney Water. At the time, he was lobbying the then Premier of New South Wales, Barry O'Farrell, and the then finance minister, Greg Pearce, for this deal. Surely, the Prime Minister and others in the Liberal Party are asking whether Senator Sinodinos is fit to be a minister again, let alone a senator for the Liberal Party.

Then there is Senator Sinodinos' connection with Paul Nicolaou, former executive chairman of the New South Wales Liberal Party's main fundraising body, the Millennium Forum. Interestingly, and probably significantly, Mr Nicolaou resigned as chief executive of the New South Wales branch of the Australian Hotels Association a few days before ICAC hearings covering Liberal Party fundraising were due to recommence. ICAC took evidence that in 2010 Mr Nicolaou attempted to damage the reputation of Kerry Schott, who at the time was the chief executive of the Sydney Water Corporation. AWH was in dispute with the Sydney Water Corporation. Mr Nicolaou wrote to radio commentator Alan Jones, calling Ms Schott a 'base corrupt criminal'. At ICAC he agreed he had no information which could justify these claims.

That is just a bit of background to Mr Nicolaou. Obviously a lot more has been revealed at ICAC. For now, what is significant is that revelations at ICAC Operation Spicer hearings suggest Senator Sinodinos was present at a Liberal Party finance committee meeting where Mr Nicolaou explained that developer donations prohibited in New South Wales could be sent to the Canberra based Free Enterprise Foundation and then funnelled back to the New South Wales Liberal Party. The ICAC exchange here is worth reading. Mr Geoffrey Watson, the SC assisting ICAC, asked:

Were you aware that it was a suggestion by Paul Nicolaou that the Free Enterprise Foundation could be used as a means whereby otherwise prohibited donors could still make donations to the state Liberal Party?

Senator Sinodinos said: 'If there were such a suggestion it went over my head. Mr Watson responded:

Right. Well, I just want to get a clear answer to it. Are you aware of a suggestion made by Paul Nicolaou that the Free Enterprise Foundation could be used as a means whereby otherwise prohibited donors could donate money to the state Liberal Party?

Senator Sinodinos responded, 'No.'

Is it credible that Senator Sinodinos, as Liberal Party treasurer and chair of Australian Water Holdings, was oblivious to these deals? There are two possible explanations here: Senator Sinodinos was either aware that money was being funnelled illegally to the New South Wales Liberals or he was not. If he was not aware, it is extraordinary that this happened.
under the Senator's watch. Remember his dual roles while these donations were being moved around. Remember—

The ACTING DEPUTY PRESIDENT (Senator Back): Senator Rhiannon, resume your seat for a moment. Could I ask you to be aware of standing order 193(3). You are quoting at the moment from an ICAC transcript, and I think that is quite in order, but I remind you that the we in the chamber do not make any imputations of improper motives or reflections on fellow members. I ask you to ensure that your quotations relate to something in the public arena and that you do not drift into opinions of a fellow senator.

Senator RHIANNON: Thank you, Mr Acting Deputy President, for your advice. Remember who we are talking about here: the man who provided the solid foundation the Howard government relied on; the 'steady hand' of the federal Liberal Party for much of the 1990s. He was the man who would have handled so many responsibilities when he headed up the former Prime Minister's office. It is hard to believe anything escaped his attention or that he would forget.

What Senator Sinodinos has forgotten is substantial. A significant amount of $700,000 was moved by the Free Enterprise Foundation to the New South Wales Liberals. Much of this money came from sources that, under New South Wales law, could not donate to a political party or a candidate for a New South Wales state election. There is another Liberal funding body, the Eightbyfive Scheme, which raised about $400,000. Some of this money, which came from developers, went to the New South Wales Liberals for their 2011 election campaign. Senator Sinodinos has said he had no idea about these funding arrangements and did not agree to the funnelling arrangements.

The ICAC hearings have already revealed a systemic failure within the Liberal and its fundraising arms. This failure leads to, and rewards, corrupt activities. With the ICAC report due to be released in December, possibly just before Christmas, the Prime Minister could use this slow media period to try to sidestep the ICAC scandal enveloping Australian politics. The Prime Minister could remove the perception of avoiding the problems ICAC hearings have created for his party by taking action now. It is time to shut down the Free Enterprise Foundation and Eightbyfive. Mr Watson, the counsel assisting ICAC, has stated that the Free Enterprise Foundation has been used to disguise donations from prohibited donors. This alone should be a good reason for the Prime Minister to instruct his party to shut down this secretive fundraising body. Senator Sinodinos should not be reappointed as the minister. Bringing the former finance minister back into the fold will display weakness and will draw the federal Liberals and the Prime Minister into the reach of the New South Wales ICAC. Now is the time for the Prime Minister to announce a national ICAC.

Senator Fierravanti-Wells: Mr Acting Deputy President, I rise on a point of order. I am very concerned that Senator Rhiannon has breached standing order 193(3) in relation to the rules of debate. I believe her speech does reflect personally on a senator, Senator Sinodinos. I would ask that you refer her speech to the President for consideration and an appropriate ruling as to whether any action should be taken, and that you refer any matter arising to one of our committees. I am very concerned she has breached that provision.

The ACTING DEPUTY PRESIDENT: I did counsel Senator Rhiannon to ensure that her comments related to matters in the public arena and that she was not, as none of us are, to reflect on members; but I will certainly do as requested in the chamber and refer the matter to
the President. I am sure the President will make some comment. The advice to me from the clerk, and I do appreciate it, is that the President will report back if he believes he has cause to. The Senate stands adjourned and will meet again tomorrow morning at 9.30.

Senate adjourned at 22:07