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SITTING DAYS—2015

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- **MELBOURNE** 1026AM
- **PERTH** 585AM
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

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

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Opposition in the Senate—Senator the Hon Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus
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

Printed by authority of the Senate
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<td>Abetz, Hon. Eric</td>
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<td>Back, Christopher John</td>
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<td>Bilyk, Catryna Louise</td>
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**Casual vacancy**

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

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

**Casual vacancy to be filled (vice J Faulkner, resigned 6.2.15), 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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<th>Title</th>
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon. Tony Abbott MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon. Nigel Scullion</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon. Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Charles Porter MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon. Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister) 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>The Hon. Steven Ciobo MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Trade and Investment</td>
<td>The Hon. Steven Ciobo MP</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>Assistant Minister for Employment (Deputy Leader of the House)</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<td>Minister for Justice</td>
<td>The Hon. Christopher Pyne MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon. Joe Hockey MP</td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon. Bruce Billson MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon. Joshua Frydenberg MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
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<td><strong>Minister for Agriculture</strong></td>
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<tr>
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<td>Senator the Hon. Richard Colbeck</td>
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<tr>
<td><strong>Minister for Education and Training</strong></td>
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<tr>
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<td><strong>Minister for Social Services</strong></td>
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<tr>
<td>Minister for Veterans' Affairs</td>
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<tr>
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<tr>
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<td>The Hon. Greg Hunt MP</td>
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<td>Minister for Finance</td>
<td>Senator the Hon. Mathias Cormann</td>
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<tr>
<td>Minister for Health</td>
<td>The Hon. Sussan Ley MP</td>
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<td>Minister for Sport</td>
<td>The Hon. Sussan Ley MP</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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Wednesday, 11 February 2015

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

DOCUMENTS

Tabling

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

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

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Law Enforcement Committee

Joint Standing Committee on Treaties

Meeting

The Clerk: Notifications have been lodged for the Foreign Affairs, Defence and Trade Joint Committee to hold a public hearing today from 4.15 pm, by the Parliamentary Joint Committee on Law Enforcement to hold a public meeting today from 5.30 pm and on 4 March 2015 from 5.30 pm, and from the Joint Standing Committee on Treaties to hold a public meeting on 12 February 2015 from 3.30 pm.

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

BILLS

Customs Amendment Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator KIM CARR (Victoria) (09:32): This bill which, you would be pleased to hear, Mr President, the Labor Party is supporting seeks to make some minor amendments to the Customs Act. These amendments remove anomalies arising from changes in the nature of modern transport which have rendered some existing Customs and Border Protection procedures ineffective.

The bill extends the powers of Customs and Border Protection officers to examine the bags of domestic travellers and domestic cargo on international flights and voyages. It is an extraordinary thing in itself, you would have thought. At present officers have the power to question all travellers, whether they are international or domestic travellers on the domestic leg of an international flight or voyage, in relation to dutiable, excisable or prohibited goods. However, they do not have the power to examine the personal effects of domestic travellers and domestic cargo on an international flight or voyage.

Domestic travellers on international flights or voyages have the opportunity to mingle with international travellers during embarkation or disembarkation, during processing on an
aircraft or ship, and in transit lounges. The department advises that this provides opportunities for bag switches or other exchanges of goods between domestic and international travellers. This can occur before international travellers are cleared on arrival or after international travellers are cleared on departure.

The mixing of domestic cargo and imported goods or goods for export presents risks for diversion of prohibited goods, or goods subject to border related duties and taxes from one stream to the other. Sections of the act will provide Customs and Border Protections officers with powers to examine domestic cargo and the personal effects of domestic travellers who complete a domestic leg of an international flight or voyage. There is no intention to require domestic cargo to be reported.

The bill also extends control on arrival of ships and aircraft at places that are not proclaimed ports. Section 68 of the Customs Act requires the master of a ship or a pilot of an aircraft to bring the vessel or aircraft to a proclaimed port unless bad weather or other reasonable causes prevent them from doing so. However, the growth in Australia's offshore resources and the development of the cruise ship industry have changed the pattern of maritime arrivals. Increasingly, ships are required to arrive from outside Australia to a place that is not a proclaimed port. In 2013, Australian cruise ship passenger numbers reached a record high of 833,000, making this country the world leader in the rate of growth and market penetration. The 20 per cent growth rate for the Australian industry in 2013 was more than double that achieved in other cruise ship markets. This growth rate has continued, with more ships deployed in local waters last year than at any other time.

As the legislation currently stands, however, Customs and Border Protection officers do not have the power to control goods that arrive at an unproclaimed port. These amendments will correct that anomaly by extending customs control to unproclaimed ports. Instead of requiring ships or aircraft to arrive at a proclaimed port or airport where border activities can be managed, Customs and Border Protection officers will be able to manage risk and conduct the necessary activities at places that are not proclaimed. To provide equivalence of search and examination powers, the definition of 'designated place' and 'customs place' will therefore be amended.

The bill also standardises the application process for missions to load and unload ships and aircraft stores, or the transfer of goods between certain vessels, and for applying for certificates of clearance before departure. At present, there is a lack of detail about what these forms must contain. The amendment seeks to overcome this by introducing an approved form and will also simplify the process and make it more user-friendly by allowing for reporting online. The amendments give the CEO of Customs and Border Protection greater flexibility in dealing with arrival reports for ships and aircraft and for the reporting of stores and prohibited goods on such vessels. At present, ships and aircraft arriving in Australia must provide the Customs and Border Protection Service with the particulars of their arrival and of stores of any prohibited goods at the time of arrival. These reports must be made, in relation to a ship, within 24 hours of the ships arrival, disregarding weekends and public holidays, and, in relation to aircraft, within three hours of arrival. These reports are necessary to assess the risk of items that may be on board and to establish a plan to deal with them—for example, firearms or narcotics, which may be required to be contained or managed in a certain way.
The existing requirements have become inconvenient and sometimes burdensome, especially with regard to ships. Ships may arrive in a port with prohibited stores on a Friday afternoon but the inspection may not be possible and the appropriate measures may not be put in place until the following Monday or even the following Tuesday if it has been a long weekend. These amendments will allow the CEO of Customs to specify by legislative instrument, which will be disallowable, when the reports must be made for different kinds of ships and aircraft in different circumstances. Reports will be required to be made at the appropriate time to minimise the inconvenience for the master or owner of a ship or the pilot or owner of an aircraft.

The changes will also allow the Customs and Border Protection service to deal with information in these reports at a more convenient time to provide earlier assessments and deploy resources more efficiently. These changes do not apply to cargo; they only apply to stores and prohibited goods. The bill also corrects technical errors arising from the interaction of the Customs and Border Protection Service Infringement Notice Scheme and the claims processes for seized goods. Since February last year, infringement notices can be issued for strict or absolute liability offences under the act, including importing prohibited items. There has been an unintended consequence of the Infringement Notice Scheme. As well as notices being issued, prohibited goods can also be seized and then dealt with under the claims process set out in a separate section of the act. Under the Infringement Notice Scheme, goods would be taken to be condemned by the Crown if the goods are prohibited imports. If the recipient pays a penalty for the infringement notice, it is subsequently withdrawn. Under the act, if a seizure notice is served a person has 30 days to make a claim for the return of goods. A claim for the return of goods may be made; but if not made within 30 days after the seizure notice, the goods will be taken to be condemned as forfeit to the Crown. However, a claim for the return of goods may not be made if goods have been taken to be condemned as forfeit to the Crown. The legal status of the goods is therefore complicated if both a seizure notice and an infringement notice have been issued and the penalty has been paid, but the notices later withdrawn. Basically, that means you cannot get any goods back. These amendments will correct the error and ensure a smooth interaction between the infringement scheme and the seizure process. The changes will mean that the condemnation of goods will not apply if an INS notice is withdrawn. They will allow a person up to 30 days after the INS notice is withdrawn to make a claim for the goods, when the goods have been seized, a seizure notice has been served, an INS for the offence in relation to the importation of the goods has been given, the penalty has been paid within a required time and the INS is subsequently withdrawn.

There is currently no provision in the act's interpretation for action by statutory authorities and the current provisions only allow for the CEO of Customs to authorise a class of person. The law remains unsettled as to whether an authorisation will apply to future officers or positions within an authorised class that comes into existence after the authorisation is given. These amendments will change the definition of an authorised officer so the authorisation can apply to officers or positions which come into existence after the authorisation of a class of officers is given.

This omnibus bill has been in preparation for some time, as this speech has been. These amendments will also improve the operations of the Customs Act in responding to issues that
have been identified by practitioners, especially owners and operators in the cruise ship industry. It is important that border protection measures continue to be refined through bills such as this to ensure the Australian community is protected and international criminal enterprises are prevented from entering our borders.

Senator IAN MACDONALD (Queensland) (09:43): Like Senator Carr, I support this Customs Amendment Bill. I thank Senator Carr for his insightful and very academic explanation of aspects of the bill, which he is obviously very well aware of. His office, which assists him with these things, is clearly well in tune with the purpose of these amendments. The minister's second reading speech also explains the need for these amendments.

The Senate Legal and Constitutional Affairs Legislation Committee examined this bill, which was referred to the committee by the Senate for investigation. The committee received just one submission from the Australian Customs and Border Protection Service which, naturally enough, did not raise any issues with the bill. But it explained some of the aspects of the bill to the committee, and the committee is grateful for the submission as it did clarify a number of matters. Overall, the committee considered the amendments made by the bill are positive and allow for streamlining and clarification of procedures under the act.

At this stage, I might pause to again thank the secretariat staff and members of the committee, assisted considerably by the deputy chair, Senator Jacinta Collins, on the work done on this particular bill. I appreciate the expertise and professionalism of the secretariat staff in the way they consider these things.

During the course of the inquiry the committee did become aware of one ambiguity in this bill that it considered worthy of clarification. The ambiguity related to proposed section 186AA, which would allow goods carried on domestic lakes of international flights or voyages to be examined by a Customs officer. As the committee noted in its report, the proposed subsection is a power to examine goods that have not yet been loaded onto a ship or aircraft, while proposed subsection (3) gives a similar power in respect of goods that have already been unloaded. Both of those provisions provide that goods are subject to the control of Customs while the goods are being examined.

The committee did raise some issues—as a helpful approach to the government—to just say, 'Have you got this right or does this need a little further consideration?' The government has responded, and no doubt the minister will refer to that in her closing speech.

This is a Customs bill, and I take the opportunity to congratulate the Customs service on the great work they do for Australia. It is a very big service. As anyone who travels overseas will know, they are very professional. We see them at airports and sea ports but they do a lot of other things besides that. I am very much encouraged by the officer in charge of the Customs service in the way he has approached his new duties.

He is relatively new. He entered the senior position at a time when there were difficulties with some internal investigations and charges raised against a number of Customs officers for what has turned out to be for illegal conduct, and appropriate enforcement action has been taken. I do want to congratulate the CEO and all of the staff for the way they have approached their activities and for the professionalism and honesty that 99.9 per cent of the very significant staff in the Customs and Border Protection Service have.
In mentioning the Customs and Border Protection Service I should also, again, give thanks to Lieutenant General Campbell in the work that he has done in Operation Sovereign Borders. They are—sometimes we forget—done by members of the Customs and Border Protection Service in association with other agencies of the Commonwealth government. I do not think we can too often thank those people for their sterling service.

Senator Carr rightly mentioned how this bill will interact with the increasing cruise-ship industry in Australia. Some of the reasons for these fairly technical amendments to this bill do relate to the increased presence of international ships and aircraft visiting Australian ports. I am delighted to say as a North Queenslander that there are increasing cruise-ship activities along the Queensland coast. More often than not cruise-ship activities used to be out of Sydney or Brisbane, heading to the Pacific. That was 10 or 20 years ago. That is where the cruise ship industry in Australia started. But I am delighted to see—and I keep an eye on these things—that more and more ships are now plying the Australian coast, and that has meant a big boost to the local economies: the Whitsundays, at Airlie Beach, where a lot of cruise ships stop; also in Townsville and Cairns; sometimes in Port Douglas; even dropping by the Torres Strait Islands. A lot of cruises are now venturing in to Papua New Guinea, and I think that can only be good for the Papua New Guinean economy. It will also make it easier for Australians wanting to explore further our associations with Papua New Guinea—some of them going back to the very significant war-time involvements with Papua New Guinea. It does allow people to get up to those parts in the comfort, indeed luxury, of some of those cruise ships.

So it is a great industry. It is working very well. Congratulations to the cruise lines. But of course those activities have to be supported by Customs, by a very intense consideration of our border protection measures, and that does not just mean Customs and imports; it also means biosecurity. And again I thank the biosecurity people for the work they do in keeping our borders secure and ensuring that Australia remains safe from imported diseases.

Tourism is a huge industry and it is likely to increase more. Mr Andrew Robb, the Minister for Investment and Trade, was indicating recently that the number of tourists coming into Australia from China alone will burgeon over the next few years. That will be give enormous benefits to the tourism industry in Australia. We have some work to do. We have to realise that tourism is a service industry. We have to make sure that Australians are trained properly in tourism and hospitality issues. We have to keep an eye on the costs of tourism and hospitality in Australia. We have to work with the many young people who are in that business to get the right sort of workplace relations regime so that we are competitive and so that they have continuing jobs. I know a lot of young people who are keen to get the work and keen to be well paid; but I do not particularly acknowledge so much that Sunday work or night work deserves the very substantial additional payments they get, which do put pressure on our competitiveness in the tourism industry in a very competitive worldwide area.

Customs plays a very significant part in building Australia's tourism. Very often it is the Customs officials who are the first contact many foreign visitors have with Australia. My own experience is that the Customs officials are pleasant and very professional in the work they do and that they are well-trained. Talking about training brings me to a question which has not yet been resolved by our government. I would hope the minister at the table will pass this on to the new minister, Mr Dutton; certainly we have had some discussions with the previous minister Mr Morrison. There are proposals for a significant new training establishment in
Australia to train Customs people and try to bring them all together. I have been one of those who—naturally enough, you might say—have advocated for this new training facility to be located somewhere in northern Australia. I do not want to get into a fight with others in this chamber who may say their area is better but certainly one of the real opportunities for growth in our tourist industry is in northern Australia. We have the world famous and world-class Great Barrier Reef. We have rainforests. We have significant Indigenous art and experiences. We have the Torres Strait Islands and the outback. I think it would be appropriate to give serious consideration, as part of our Northern Australia development policy, to consider that training facility somewhere in the north.

Having directed myself to the Barrier Reef, which is one of the places that attracts millions of people to Australia, can I just say in passing how disappointed I am at the lies and misinformation that continue to be propagated by radical green movements, and by the Greens political party in this chamber, about the state of the Barrier Reef. Ask any tourist what the Barrier Reef is like and they will say, 'It is absolutely magnificent'. Ask GetUp!, or the Greens political party at the Queensland election, what it is like and they would have Australians believe that the Barrier Reef was on its last legs. It is simply untrue and simply done for crass political purposes.

I have the utmost condemnation for GetUp! and the Greens political party on running this misinformation, this deliberately lying campaign, about one of Australia's greatest natural assets. I might say that the Greens political party and GetUp! kept talking about dumping spoil on the reef—

The PRESIDENT: Order, Senator Macdonald, a point of order. Senator Rice.

Senator Rice: Mr President, I rise on a point of order. I would like Senator Macdonald to withdraw the accusation of a deliberately lying campaign by the Greens.

The PRESIDENT: Thank you, Senator Rice. Senator Macdonald, it is a reflection in an unparliamentary manner on a political party and on senators within this chamber. It would assist if you would withdraw that implication in your contribution. Thank you, Senator Macdonald.

Senator IAN MACDONALD: I withdraw, Mr President, and I would ask you to review your ruling. I always understood that you could not defame a political party but you can defame individuals. I did not say that Senator Rice was deliberately lying; I was saying that the Greens political party, their supporters and GetUp! at the Queensland election—and elsewhere, I might say, such as in the UN—continue to propagate misinformation for crass political purposes. I would ask you, Mr President, if you could perhaps sometime review that. I was of the understanding that I could say—and I would not—that the Labor Party tells lies but I could not say that Senator Carr tells lies, but I leave that to you.

The PRESIDENT: Senator Macdonald, there have been past rulings where it does apply to groups of senators as well as to individual senators. So, in the case of Senator Rice where she raised the point of order, it would be helpful if you withdrew that direct remark and then continued with your contribution.

Senator IAN MACDONALD: I have withdrawn it.

The PRESIDENT: Thank you, Senator Macdonald.
Senator IAN MACDONALD: I did that before in deference to your ruling, but I was just asking you to reflect on that and let me know, and you have done that. I find that surprising as I was not aware of it, but I live and learn. Let me say that GetUp!, which as everyone knows is just an offshoot or front for the Greens political party, were telling deliberate lies and they always do.

The Great Barrier Reef is one of Australia’s greatest natural assets. That is why people come to Australia. That is why we have to look at this Customs Amendment Bill to improve matters to allow foreign visitors, and Australians, to see great natural assets like the Great Barrier Reef. It disturbs me that, for as much as Australia promotes the Barrier Reef, you have the Greens political party and GetUp! misleading the public on this.

As I started to say, the Greens political party, GetUp! and their cohorts talk about the damage to the reef from dumping spoil. They only seem to have had this concern since the government change. When the previous Labor government dumped millions and millions of tonnes of spoil not on the reef but near the reef, you never heard a word from the Greens political party or GetUp! It is simply a political tool and action by people who I call un-Australian.

On that note, I might just congratulate the Speaker of the House, who led an Australian delegation to the Asia Pacific Parliamentary Forum in Quito in Ecuador. I congratulate Mrs Bishop on the role she played in promoting Australia and promoting the Great Barrier Reef and exposing the lies of the Greens political party—can I say that?—or exposing the misinformation of the Greens political party and the lies of groups like GetUp!, deliberately seeking to destroy Australian industry.

I just want to move on very quickly, talking about customs issues, to give all praise and credit to Mr Tony Abbott, Mr Ewen Jones, Mr Warren Truss and Ms Julie Bishop for their announcement just last weekend about the opening of the Townsville International Airport to international flight activities. One of the problems with flights out of Townsville was the cost of Customs officers, because there are not Customs officers permanently based at the Townsville Airport, and that has been a restriction or an impediment to international flights, because it meant whoever was doing the international flights had to pay to bring Customs officers from Sydney, Brisbane or Cairns to Townsville to service a three-times-a-week service. I am delighted that—as a result of the fabulous work done by Ewen Jones, the member for Herbert, by George Christensen, the member for Dawson, by Townsville Enterprise Limited and by Townsville Airport Limited—the government has agreed to assist with the cost of Customs officers so that international flights can start from Townsville to Bali, Singapore and beyond. I understand that, as well as AirAsia, Jetstar are also looking at these new services.

It will mean a huge boost for tourism into Australia and a huge boost for tourism from Australia to Bali—and anything we can do to help the Indonesians I am always very keen to support. It will build relationships between Australia, particularly northern Australia, and Indonesia, and it is a great initiative. It got overlooked a little bit last weekend, with other things attracting the news, but Tony Abbott was in Townsville with the foreign minister, Julie Bishop, with Warren Truss as transport minister and, importantly, with Mr Jones to make those announcements to really set Townsville aflame, one might almost say, in the international tourism market and in international air flights from Townsville to Asia. All
credit to Ewen Jones. It is something he has worked on assiduously over many months, and I am delighted that he has achieved success. I thank Tony Abbott for his understanding and his ability to make that happen. It will pay for itself in spades over a period of time. It is a good investment, and again it is a good example of this government continuing to work in Australia’s interests, continuing to promote Australia as a great tourism destination and continuing to support the hospitality industries in Australia and particularly in the North.

With those few remarks on this relatively uncontroversial technical bill, I will conclude, but I again congratulate the minister on fixing these technical breaches. I thank the opposition for its support for these amendments. As chairman of the Legal and Constitutional Affairs Legislation Committee, which investigated the bill, I again thank members of the committee and the secretariat for their support in looking into this bill.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:04): I thank senators for their contributions to the debate. The Customs Amendment Bill 2014 is an omnibus bill that proposes several minor changes to the Customs Act 1901. The proposed changes will: (a) extend Customs controls to places at which ships and aircraft arrive in Australia in accordance with section 58 of the Customs Act; (b) provide greater flexibility in relation to the reporting of the arrival of ships and aircraft in Australia, and reporting of stores and prohibited goods on such ships and aircraft; (c) improve the application processes for approvals to load, unload and use ships and aircraft stores, permissions to transfer goods between certain vessels and applications for certificates of clearance, and these amendments will also support initiatives to enable online applications for these approvals, permissions and certificates; (d) extend Customs powers of examination to the baggage of domestic passengers on international flights and voyages, and to domestic cargo that is carried on an international flight or voyage; (e) enhance the interaction of the Infringement Notice Scheme with the claims process under the act in relation to prohibited imports; and, finally, (f) allow class-based authorisations to include future officers or positions that come into existence after the authorisation is given.

I am aware that the legal and constitutional affairs committee report raised a query about section 186AA, and requested there be clarification about where an examination under that section would begin and end. The department has prepared a supplementary submission to the committee and I am advised that the committee were satisfied with the department’s submission. This was communicated from the office of the chair of the committee to the minister’s office on 1 October 2014, and I thank the committee for their contribution and their report.

The amendments will enhance Customs controls and examination powers, improve Customs compliance and enforcement activities, and modernise the environment within which the Australian Customs and Border Protection Service operate. The changes in this bill, as has been stated, are minor, although they do make significant improvements to the ability for Customs officers to do their jobs. Customs officers are operating in an increasingly challenging environment, and this parliament must remain responsive to the risks they face in securing Australia’s borders. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.
Third Reading

The ACTING DEPUTY PRESIDENT (Senator Sterle) (10:07): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (10:07): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Amending Acts 1970 to 1979 Repeal Bill 2014
Statute Law Revision Bill (No. 2) 2014

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator JACINTA COLLINS (Victoria) (10:08): Listening to my colleagues in the earlier bill debate, and in terms of dealing with these two bills cognately, I am left to wonder why we are occupying government business time with bills of such a nature and why they have not been listed as non-contro legislation. It seems only to suggest that the government does not have a business agenda, and that became quite clear in Senator Carr's contribution and the other contributions to the Customs bill, but will be clear in these two bills as well.

I think there are three further bills in the non-contro session that we have in the Senate tomorrow. They are quite rightly there, and we will deal with them expeditiously. I cannot imagine why we are occupying very important government business time dealing with bills of this character here and now. It brings to my mind the thought I have had in the last week or so about a skit I think someone should create. This skit would be Mr Abbott saying: 'We have a plan. We are not the Labor Party. We have a plan. We are not the Labor Party. We are not the Labor Party.' The reality is there is no plan and the government business agenda here today highlights that there is no plan.

So let me go into the detail of these two cognate bills, which again will demonstrate the lack of a plan and how this government parades repeal bills and reforms as if they are part of some plan, which is indeed quite vacuous. Before I get into the detail, let me say again that I look forward to the government having a plan about family support. I am quite sceptical as to whether the new minister will be able to develop a decent plan. We have seen the example of what the last budget meant in terms of family support. This government is suffering the consequences of what the public at large thought about this government's approach to family support and what might be included in a family package.

Yesterday in question time we heard Senator Cormann talk about child care. Well, I look forward to some substance behind those words. But let's go to more routine matters. This bill, the Amending Acts 1970 to 1979 Repeal Bill, follows on from the Amending Acts 1901 to 1969 Repeal Bill introduced in the government's first repeal day stunt in March 2014. The bill repeals around 650 amending or repeal acts passed between 1970 and 1979. As the amendments or repeals have already taken place, the effect of these bills is spent—much like
the Abbott government. Section 7 of the Acts Interpretation Act makes it clear that the repeal of an amending or repeal act does not undo its operation. This bill therefore has no effect on the operation of any law. Not a single piece of legislation repealed by this bill has any operation. All of the acts to be repeals have been inoperative for at least 35 years. They do not and cannot have any bearing on the needs of Australian businesses and individuals in 2015.

The explanatory memorandum to the bill claims that the repeal of these acts is desirable in order to reduce the regulatory burden and make accessing the law simpler for both businesses and individuals. However, the explanatory memorandum also states: 'The repeal of these bills will not substantially alter existing arrangements or make any change to the substance of the law.' And there is no financial impact. I want to be clear about this. This bill, as the government has admitted, will have no substantive effect on the law nor any financial impact. It will not alleviate the burden of a single regulation on any Australian business or family. Let me repeat that: it will not alleviate the burden of any single regulation from any Australian business or family.

Labor has been clear that we do not argue with getting rid of regulations that are redundant, no longer in force and not relevant. Again, this is why this legislation should be dealt with as non-controversial legislation, in the usual place, on a Thursday afternoon. It is the same attitude that we had when we were in government. We repealed over 16,000 acts, regulations and legislative instruments when we were in office. Let's not pretend, however, that the removal of 650 acts as proposed in this legislation will do anything to reduce the regulatory burden. The explanatory memorandum to the bill itself says: 'The repeal of these bills will not substantially alter existing arrangements or make any change to the substance of the law.' Of course, this bill was never intended to have any substance. It is simply a concoction, a chimera. Its only purpose is to give the Prime Minister and his former parliamentary secretary, the member for Kooyong, a flimsy justification to boast about the number of regulations they have supposedly abolished in their repeal day stunts. They held press conferences. They made a website. Government backbenchers have speechified both here and in the House about the government's supposedly bold deregulation agenda—and this is part of it.

This is quite an incredible use of the parliament of Australia: the passage of legislation of no effect so that the government can congratulate itself in the press. It is quite incredible that this government has the gall to tell the Australian public they are removing regulation while they quietly admit in the fine print of the parliamentary documentation that this bill has no such effect.

As I said, this bill, which deals with amending and repealing acts between 1970 and 1979, follows on from a similar bill passed last year which dealt with those between 1901 and 1969. That bill repealed 1,120 amending and repeal acts and covered six decades of spent legislation. This bill restricts itself to just one decade of just 650 pieces of spent legislation.

I would invite the Attorney-General to explain to the Senate why the government's brave crusade against inoperative legislation has petered out this way. I might be forgiven for cynically suspecting that this bill deals with just a decade of spent legislation so that the government might have the opportunity to introduce several more similar bills in the coming year—further decades of spent legislation.
The government has two repeal days scheduled for 2015 and will need some substance to
those stunts and yet, after 16 months of government, their deregulation agenda remains a
mirage. I suspect they must continue to trot out bills of this illusory nature so that they can be
seen to be doing something, so they can pretend to have a plan beyond the Prime Minister's
frequent comment: 'We are not the Labor Party.'

The Australian community has seen through this charade. The business community has lost
faith in the Liberal government. The Australian people have lost faith in the Liberal
government. The government has the gall to return with a third bill of this type this
parliamentary year during government business time in the Senate. It is no wonder people feel
the government is desperate and see how poorly it is managing the Senate itself. It is no
wonder the Prime Minister says he is going to have another look at how he manages the
Senate in this parliament, because he needs a long serious look.

Let me go to the second of these cognate bills—the Statute Law Revision Bill (No. 2)
2014, also the second such bill introduced by the Abbott government. Statute law revision
bills are an ordinary feature of all Australian parliaments and indeed other Westminster
parliaments around the world. The Commonwealth parliament has dealt with such bills as
regular matters since at least 1934. They are, as the Bills Digest for this present bill notes: a
matter of housekeeping. Again, why here in government business time?

Statute law revision bills correcting drafting errors, updating cross-references and
removing spent or obsolete provisions—these pieces of legislation certainly serve a worthy
purpose: they maintain the tidiness of the statute book.

This is an ongoing task for this and other parliaments. It is the work usually undertaken by
dedicated parliamentary lawyers, and I thank them for their diligence. I do not want to
criticise their work, but we should be very clear about the nature of this legislation. We should
not for a minute accept the government's claim that this bill is any kind of bold deregulatory
reform. It is not. It is absolutely routine housekeeping work of the kind undertaken by any
government—usually during non-controversial legislation time on a Thursday afternoon.

It is clear that those opposite are not just any government though. No, this is a government
so bereft of policy ambition, so lacking in substance and direction and so beleaguered just
halfway through their first term that they cling to this bill as some kind of major reform, as
some kind of serious aspect of a plan—something to hang on to behind the: 'We are not the
Labor Party.' A normal Australian government does not hold a press conference when it
corrects a typo. But this government will shout it from the mountain tops with legislation such
as this.

I want to provide the Senate with some examples of the important reforms implemented by
the Statute Law Revision Bill (No. 2) 2014. My colleague, the shadow Attorney-General,
listed some in the other place. This bill, for example, fixes an incorrect cross-reference in the
Agricultural and Veterinary Chemicals Code Act 1994. It closes a bracket in subsection
474.25B(2) of the Criminal Code. It corrects the spelling of 'laminated' in a schedule to the
Customs Tariff Act 1995 which presently reads 'laminiated'. And it removes a comma from
the Surveillance Devices Act 2004, but adds a full stop to the Superannuation Industry
(Supervision) Act 1993.
I am sure the Clerk has a view about whether these are, perhaps, tasks the clerks could assist us with in legislating rather than simply occupying important government business time in the Senate. I read in the Hansard that in the other place the member for Hume, when speaking on this bill, quoted Thomas Jefferson as saying: 'That government is best which governs least.' I must say that placing such emphasis on the correction of typos could certainly be described as governing least. There is, however, no record of Thomas Jefferson ever uttering those words. No, that famous quote is better attributed to Henry David Thoreau. He wrote in his essay on Civil Disobedience:

I HEARTILY ACCEPT the motto,—"That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe,—"That government is best which governs not at all";

As the Liberal Party ignores the challenges facing Australia and, instead, descends into internalised brawling and leadership speculation, we already have a government which governs not at all. Unlike Thoreau, I do not think this is to be welcomed.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (10:22): Thank you very much, indeed, Mr Acting Deputy President. I share with you, I am sure, that we will take to our graves the experience of having suffered through that speech.

This is a cognate debate on the Amending Acts 1970 to 1979 Repeal Bill 2014 and the Statute Law Revision Bill (No. 2) 2014. The work of the first bill is to repeal some 656 obsolete statutes from Commonwealth law. The purpose of the Statute Law Revision Bill (No. 2) 2014 is to correct errors in a large number of existing bills which it is not the purpose of the bill to repeal.

I want to concentrate on the Amending Acts 1970 to 1979 Repeal Bill, but, before I come back to that, let me say a word about the Statute Law Revision Bill (No. 2). Senator Collins took the government to task for listing this bill as an item of government business rather than as a non-controversial item of legislation, apparently in ignorance of the fact that the Statute Law Revision Bill (No. 2) was listed as a non-controversial bill at the end of last year, as these bills customarily are. Unfortunately, it was filibustered by the opposition at the time and was not reached. It could have been dealt with in the orthodox way as a non-controversial bill in 2014, but because of filibustering by the Australian Labor Party that was not able to be done. So it is being dealt with cognately with the Amending Acts 1970 to 1979 Repeal Bill 2014. The point is that not one moment of extra parliamentary time in government business is being taken to deal with the Statute Law Revision Bill (No. 2), which, had the Labor Party showed a spirit of cooperation, would have been through the parliament as a non-controversial bill last year.

Let me turn, then, to the Amending Acts 1970 to 1979 Repeal Bill. This is the next tranche in the government's deregulation agenda, much mocked by Senator Jacinta Collins. If I may say so, we saw in Senator Collins's inelegant speech a classic example of the differences between those who sit on my side of the chamber and those who sit opposite, because, you see, those who sit opposite—those of the Australian Labor Party, those inheritors of the socialist tradition of the 19th century, now a pale, wan social democratic point of view—love laws. They love regulation. They live for green tape and red tape. They just worship at the altar of government. The more power government has over the lives of everyday people, the
happier they are. The more families, businesspeople and community organisations are tied hand and foot by red tape and regulation, the happier the Australian Labor Party are. It cannot be said often enough that the big difference—the eternal difference—between the Labor Party and us in the Liberal-National Party, on this side of the chamber, is that we want to set people free and the Labor Party want to tie them in knots, in regulations, in red tape, in green tape, in beige tape, in statutory instruments and in every manner of interfering, pettifogging regulation and legislation that they can possibly imagine. So determined are the Australian Labor Party to cling onto this forest—this thick undergrowth—of laws that they even object to getting rid of obsolete laws. They even object to getting rid of laws that have no practical operation any longer.

As I said, this is the latest instalment of the Abbott government's deregulatory agenda, led in the first instance by my friend the member for Kooyong, now the Assistant Treasurer, Josh Frydenberg. Can I tell you what we have achieved already, before this bill is even dealt with. As of 22 October 2014, on the first two instalments of the repeal of obsolete legislation, we had repealed 1,803 acts that were obsolete, that had cluttered the statute book since 1901, when this parliament first convened and that both sides of politics had neglected to get rid of. We had repealed 10,157 legislative instruments—again, delegated legislation or subordinate legislation that was obsolete but nevertheless provided a compliance hazard for citizens and for businesses. In total, all told, as of 22 October last year, we had repealed 57,200 pages of obsolete legislation. So devoted is the Labor Party to tying the Australian people and the Australian economy up in unnecessary, burdensome and meddlesome laws and regulations that they objected to us doing that, even though not one of those bills and statutory instruments had any effect whatsoever.

Treasury has estimated that the compliance cost to business, lifted from the shoulders of business by the repeal days of last year, is in excess of $2 billion—in excess of $2 billion of compliance costs wasted by businesses in particular that had to do their due diligence to ensure that they were not in fact affected by any of this obsolete legislation. That is $2 billion of money wasted.

I know that to the Australian Labor Party that wastes tens of hundreds of billions of dollars as a matter of routine $2 billion might not sound like very much. But we on our side of the chamber think that $2 billion is a lot of money. You can do a lot of good things with $2 billion. Businesses would rather have that $2 billion in their profit margin than as an outlay because they had that compliance burden arising from obsolete legislation.

Senator O'Sullivan: That employ people.

Senator BRANDIS: That is right, Senator O'Sullivan: one of the things they could have done was employed a lot more people. But of course employing people rather than protecting the vested interests of trade union members has never been part of the Australian Labor Party's agenda.

Turning then to the Amending Acts 1970 to 1979 Repeal Bill 2014, it tells you, I think, just how much the pace of legislative interference in people's lives had accelerated in this country in the decade 1970 to 1979, that decade famously described by the great Barry Humphries as 'The decade that taste forgot.' It tells you how far the legislative burden had increased when you consider that, in the 70 years between the beginning of the Federation and 1970, the aggregate number of unnecessary laws that were lying about on the statute book was 1,803.
But yet, in just 10 years, the volume of Commonwealth legislation had so exploded that that produced 656 bills which now, 40 or so years later, are considered to be obsolete.

You might wonder, Madam Acting Deputy President, what was it about the 1970s, apart from it being 'The decade that taste forgot,' in Australian history? There is one particular period during the decade of the 1970s that we will always remember with a shudder—you won't, Senator Birmingham, because you are too young. But those of us who are older than Senator Birmingham will well remember with a shudder that it was the three catastrophic years of the Whitlam government, between 1972 and 1975.

Senator O'Sullivan: I still have nightmares!

Senator BRANDIS: Senator O'Sullivan still has nightmares. So do we all. I do not wish to speak ill of the dead; I personally was quite fond of the late Mr Whitlam. But there has been such a romanticisation by those opposite of the spectacularly catastrophic Whitlam government, which increased government spending in the course of two budgets by 40 per cent and wondered why the economy got out of control, inflation got out of control and unemployment went through the roof.

One of the features of the Whitlam government was an explosion of legislation. We saw the pace at which this parliament decided to pass laws because it thought it was a good idea; because it thought Canberra knew better than Brisbane, Sydney, Dubbo, Parkes, Cooktown or Karratha; because it thought that bureaucrats knew better how people ought to live their lives than the people who were living those lives themselves; because it thought that government was not the servant of their people but their master; and because it was infested with that dirigiste ideology it decided that we needed as many laws as we could possibly have. We are still trying to live down the legacy of the Whitlam government. But today we make another step towards living down that legacy by repealing 656 obsolete acts of parliament, most of them passed during the three dark years, from 1972 to 1975.

Senator Collins, in her inelegant way makes mock of what we are seeking to do. We are seeking to remove from the statute books laws and regulations that are unnecessary and obsolete. What does it tell you about the Labor Party, that they object to us doing that? They object to us removing laws that are obsolete.

The Abbott government is very proud that we are removing obsolete laws and regulations, and unnecessary costs arising from overreach by this Commonwealth parliament and we will continue to do so. There are two more repeal days scheduled for this year, 2015. We will move a decade at a time so that we will continue to identify and remove from the statute books obsolete laws. As we seek to do that, as we seek to set individual citizens, families and small businesses free, and as we seek to reduce the cost of compliance with the red tape, the green tape and the beige tape, we expect the Labor Party will continue to fight us tooth and nail.

You will fight us tooth and nail because it is as much an affront to your view of the world that legislation should be repealed as it is an affront to the liberal view of the world that legislation should be passed in a gratuitous way which interferes unnecessarily with the freedom of action of citizens and businesses.

I see Senator Cameron over there. To his great credit—I am going to pay you a compliment, Senator Cameron—
**Senator O'Sullivan:** Don't do it!

**Senator BRANDIS:** I know, Senator O'Sullivan. Do not bestir yourself. Let us give credit where credit is due. Of all his many shortcomings, Senator Doug Cameron could not be described as a hypocrite. Senator Doug Cameron is not a hypocrite. Senator Cameron is proudly an old-fashioned, unreconstructed old socialist who descended upon us from the old dockyards of Glasgow. He meandered his way into the Southern Hemisphere and now brings the same cast of mind of an old Scottish socialist to modern Australia. Senator Cameron, you are not a hypocrite at all. You embrace proudly—you boast it from the rooftops—a point of view that is so obsolete, so irrelevant to modern Australia, so destructive of our future prosperity and you nevertheless adhere to it, you unreconstructed old Scottish socialist, you.

Let me return to the business at hand. We will continue to repeal from Commonwealth legislation acts of parliament, regulations, statutory instruments and other delegated legislation which no longer serves a public good. We are perplexed but not particularly surprised that the Labor Party has a problem with that. We will continue to adopt a philosophy when it comes to legislation that the more lightly the parliament imposes burdens upon the citizen the better. We will continue to adopt an approach to legislation that the fewer costs—in particular, compliance costs—with which parliament burdens small business the better, because we believe that the productive energies in this economy and this country lie in the hearts and souls and minds and industry and muscle of individual enterprising men and women. We do need an appropriate structure of laws—of course we do. What we do not want is a wasteland of unnecessary and burdensome legislation which only interferes unnecessarily and wastefully with individual endeavour.

In winding up this debate, may I say the government is proud of its deregulation agenda. We are proud of the achievement of our recently appointed Assistant Treasurer, the Hon. Josh Frydenberg, in driving this agenda. We get it. We get the fact that the Australian people yearn to be set free from the burden of government, yearn to be set free from the cost of unnecessary compliance, yearn to have a parliament that is respectful of them rather than arrogant in its prerogative powers to legislate to tell people how they ought to live their lives and run their businesses. The deregulation agenda of the Abbott government, of which the repeal days are a very important element, gives expression to that philosophy. They give expression to a philosophy that the Commonwealth statutes should be tidy, should be necessary, should be uncluttered and should not overreach. I commend the bills to the chamber and I look forward to further repeal days in future months.

Question agreed to.

Bills read a second time.

**Third Reading**

**The ACTING DEPUTY PRESIDENT (Senator Lines):** As no amendments to the bills have been circulated, I call the minister to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (10:41): I move:

That these bills be now read a third time.

Question agreed to.
Bills read a third time.

**Fair Work (Registered Organisations) Amendment Bill 2014**

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

**Senator CAMERON** (New South Wales) (10:41): Labor opposes this bill. We do so on the basis of what we have just heard from Senator Brandis. The pomposity and hypocrisy of Senator Brandis talking about red tape, green tape and beige tape, talking about unnecessary burdensome laws and regulations when we have the coalition proposing the Fair Work (Registered Organisations) Amendment Bill, which is a huge imposition of red tape on registered organisations in this country. It is a huge burden of red tape. The bill is a replica of the Fair Work (Registered Organisations) Amendment Bill 2013, which was rejected by the Senate on 14 May 2014. The amendments circulated by the government replicate the amendments negatived by the Senate in May. The bill is unnecessary and imposes burdensome regulations on registered organisations that no-one wants. After listening to Senator Brandis, how can the coalition, with any credibility, push this bill into the Senate? Employee organisations do not want it. The trade union movement has said that this is a bad bill. Employer organisations do not want it. Every employer organisation that appeared at the Senate inquiry into this bill said they do not want it and that it is more burdensome red tape.

Senator Abetz, the proponent of this bill in the Senate, has done one thing: he has united both the employer and the employee organisations in opposition to this bill. The regulation of registered organisations in the context that this bill seeks to impose is totally unnecessary. The changes effected by Labor's Fair Work (Registered Organisations) Amendment Act 2012 and the Fair Work Amendment Act 2013 have already strengthened legislative provisions and rules of organisations concerning disclosure and transparency of decision making.

The government claims that this bill will place the regulation of registered organisations on the same footing as the regulation of corporations under the Corporations Act. It will, in fact, establish a more onerous regulatory regime on the volunteers who make up the committees of management of registered organisations than regulates the behaviour of highly paid executives on company boards. So volunteers who engage in employer organisations and employee organisations will be subject to more onerous regulation than company directors. What is this about? We just heard that pompous speech from Senator Brandis talking about getting rid of red tape and green tape, and now we have got beige tape. What a performance! Yet I am sure he did not realise that what was coming on next was the imposition of more red tape on voluntary organisations in this country.

There has been a Senate inquiry into this legislation. The Maritime Union of Australia, when they made their submission, said:

But this is what strikes me about this legislation: most, if not all, practitioners in the field—from industrial officers through to solicitors, trade union officials and barristers—are slightly dumbfounded as to why this legislation has been introduced. The requirements are already there. They were put through in the Fair Work (Registered Organisations) Amendment Act 2012. We all took steps to comply with that. That was amended at the last minute on 29 June last year by the Fair Work Amendment Act 2013. We subsequently complied with the requirements of that Act, the deadline for
which was 1 January. Now that we have all complied with that and there has been a change of government, it seems that the Commonwealth is now asking us to do a 360 and go through it all again.

That is an employee organisation's view. The employer organisation, the Master Plumbers and Mechanical Contractors Association of New South Wales said that the bill:

… will add significantly to the red tape requirements of Registered Organisations and will add significant cost pressures to the organisation related to such compliance. The inequity here is that this is not necessarily an impediment to the ability of employees of Registered Organisations to carry out their duties, but more than ever highlights the inequity in the status of Registered Organisations as compared to Recognised Organisations.

The Victorian Automobile Chamber of Commerce said:

It is fair to say, that the rights and privileges afforded to registered organisations have reduced significantly (particularly for employer organisations), while obligations imposed by the Act have increased.

The Australian Nursing and Midwifery Federation said:

… the Parliament in 2012 enacted the Fair Work (Registered Organisations) Amendment Act 2012 that largely and adequately dealt with the same issues by introducing enhanced reporting and financial management standards.

Civil Air, the Australian air traffic control association said:

This is actually onerous and can only negatively impact upon the amount of time that we have available to actually undertake the objects of our registered organisation which is, principally, to promote the interests of our members.

So here we are, both employer organisations and employee organisations saying this is nothing more than unnecessary red tape. Senator Brandis in his arrogant contribution to the last bill was going on and on about unnecessary red tape, and yet the next bill that comes into this place is one that imposes more red tape on employer organisations and employee organisations. Is it any wonder that the Australian public see this government as one that is in absolute chaos and one that does not know whether they are coming or going? What a pathetic mob they are!

The penalties for maladministration of registered organisations had recently been tripled by the Labor government and there was an obligation for new disclosure requirements, and those are already adequate in addressing the deficiencies that have come to light in recent years. The changes brought about by the 2012 act should be fully implemented before any attempt is made to interfere with the governance of registered organisations. This bill is not about proper governance. It is a ham-fisted attempt on the part of the government to attack and punish people it sees as its enemies. That in attacking its enemies the government is prepared to cause collateral damage to its friends in employer organisations makes you wonder what this is all about. They are prepared to imposed significant red tape and significant compliance costs to attack registered organisations in this country.

The bill proposes to amend the act to restrict officers from taking part in decisions in relation to matters in which they have a material personal interest, require the preparation of officer and related party disclosure statements and require officers to undertake approved training in relation to their financial duties. Unlike the material personal interests of company directors, which only have to be disclosed to the board, the bill proposes that the personal interests of officers of registered organisations and their immediate families will be made
public. The provisions that have been appropriated from the Corporations Act are not an appropriate model for registered organisations due to the innate difference between corporations and registered organisations.

Ai Group clearly stated their opposition to the proposed material personal interest requirements of the bill that:

The provisions of the Bill in this area will operate very unfairly on registered employer organisations and their officers, and it is essential that the Bill is amended. The Bill would impose a far more onerous regime for officers of registered organisations than what applies to directors of public companies.

It is not just the employee organisations that are saying this. This is the Australian Industry Group, one of the most respected employer organisations in the country. They go on to say that:

The regime, if enacted, would undoubtedly deter persons from standing for office in employer organisations. In practice the provisions of the Bill would seriously impede many organisations from carrying on their daily business operations.

That is how much red tape is being imposed by this bill—that one of the most respected employer organisations in the country said that this would seriously impede many organisations from carrying on their daily business operations.

The Australian Privacy Foundation has criticised the proposed disclosure regime, saying that the provisions of the bill are unnecessary, erode privacy protection and are inconsistent with the government's commitment to respecting traditional freedoms. The Privacy Foundation also said that the attempts by the government to justify the erosion of privacy in the bill as either legal or legitimate fail due to the unnecessary nature of the legislation. And I quote:

There has been no demonstration that existing law … is inadequate … that there is serious and pervasive corruption that is not being addressed because investigators and prosecutors lack authority.

So the Privacy Foundation is saying there is no need for this. They have looked at the existing legislation and they think it is sufficient to deal with any of the issues that this mass of red tape is seeking to impose on registered organisations.

There are at least three examples demonstrating how the proposed officers disclosure regime goes further than those of company directors disclosure. Directors disclosure obligations under the Corporations Act regarding material personal interests do not appear to extend to interests held separately by relatives. Disclosures of company directors are only required to be made to other directors as a mechanism for management of conflict of interest. They are not made public, and company directors are not obliged by the Corporations Act to disclose material personal interest relating to dealings that are subject to member approval.

Ai Group has also criticised the disclosure provisions because the interest covered by clause 293C are personal interests and because many officers would not be comfortable with their personal financial interests, as well as those of their relatives, being provided publicly. Ai Group noted:

In contrast, ss.293C and 293J would require the material personal interests of directors … to be distributed to all members of the organisations … as well as to the ROC—

the Registered Organisations Commission. In the case of the Ai Group, this would mean that they have to distribute the details of the personal interests of Ai Group directors to all
members of Ai Group, and that would entail their distribution to thousands of other organisations who are Ai Group members. The proposed material personal interest disclosure regime is inappropriate and wholly unworkable because of the burden of obligations that it would place on registered organisations. The proposed disclosure regime is unfair, unnecessary and misguided, especially given that the purpose of registered organisations is to provide advocacy and support services for their membership. The effect of them would be to further dissuade and discourage members of registered organisation from nominating or participating as officers.

So the employee organisations and the employer organisations have pointed out the deficiencies in this bill. They queued up one after the other in the Senate inquiry to say that this bill is an overreaction, that it is unfair and that it is red tape of the highest burden on these voluntary organisations, and should not go ahead. And yet we have the pompous position put forward by Senator Brandis that this government—this government that is in abject chaos at the moment—does not want to impose red tape, green tape, beige tape, or whatever they call it, on organisations in this country. But when it comes to the employer organisations and the employee organisations, who come together collectively to represent their members, then the red tape is poured on—red tape after red tape in this bill. It is just not feasible to do this. It is the height of hypocrisy for Senator Brandis. Despite the personal attacks that he likes to launch into, I think he epitomises all that is wrong with this government: the pomposity, the hypocrisy and the ideological attacks on people who want to represent collectively either employees or employers—because that is what this bill does.

The Ai Group also expressed reservations as to how the proposed regime would manage the requirements placed on registered organisations. Specifically, the Ai Group raised the development and adoption of training rules required under the 2012 changes and their associated challenges, telling the education and employment committee inquiry:

For example, there are four organisations—us, the ACTU, the AWU and one other organisation which I cannot recall—that put huge resources into having their officer training programs developed and approved. There is nothing in this legislation that grants automatic approval for those training courses. We have got to again run the gauntlet with the Registered Organisations Commission. So there are some practical things like that that need to be dealt with.

Yet you get Senator Brandis coming in here saying, 'We don't support red tape; we are the great heroes for getting rid of red tape.' And yet the very next bill is simply about pouring more red tape on top of more red tape onto registered organisations in this country.

The former Labor government introduced increased regulation, increased training requirements, increased accountability for registered organisations. The registered organisations that appeared before the employment committee actually said: 'We are still trying to digest those changes. Don't make any more changes.'

The Motor Trade Association of South Australia submitted that it had already made substantial investments in board management training for its officers. The ACTU, employer organisations and individual employee organisations have made huge financial investments in complying with the 2012 bill. They were still in the process of implementing those in a practical way in their organisations when along came this government, the Abbott government, a government in chaos, a government with its ideological agenda against employer and employee organisations, trying to impose more red tape on employer and
employee organisations in this country. The hypocrisy is just a bit too much to take. Senator Brandis comes in here and says, 'There will be no red tape,' and then the very next bill imposes more red tape.

This is an unfair bill. It is based on an ideological opposition to the trade union movement and even to employer organisations operating collectively. It is clear that this bill is not in the interests of employer or employee organisations. This bill is about ideology. This bill is about imposing more red tape. This bill epitomises everything that is wrong with this Abbott government. It is a chaotic bill that will not be implemented effectively. It is a bill full of red tape—(Time expired)

Senator RICE (Victoria) (11:01): I too stand today to oppose this bill which is part of the government's attack on people's rights at work and reveals the government's true motives when it comes to industrial relations policy. Before the 2013 federal election, the government said that Work Choices was dead, buried and cremated. The current Prime Minister even signed a piece of paper with those very words on it—'dead, buried and cremated'.

But, just as the budget saw the beginning of the real agenda of this government beginning to shine through, we are seeing that agenda here with respect to people's rights at work. We hear repeated claims that the Prime Minister has learnt from his mistakes, that the era of good government is just starting. I think we are on day 3. Well, the Prime Minister and his government might have learnt one thing from the John Howard era of Work Choices, and that is that, if you come and attack people's rights at work, the people will fight back and turf you out. So, this time around, they are coming for Australians' rights at work in a way which is much more sly.

This bill works on one simple principle: 'We will come for the unions first so that there is no-one left to protect the workers when we come for them.' Through increased penalties and greater powers for the commissioner, it is claimed by the government and supporters of this bill that this bill will put corporations and unions on an even footing and that organisations of workers should be treated in the same way as organisations that exist to make profit. But this dismisses the clear differences between these organisations. Unions are required under the Fair Work Act and other legislation to be democratic organisations, but corporations are not. Unions are required to publish their accounts and financial returns online every year; proprietary limited companies are not. If the government were serious about putting unions and corporation on even footing, they could of course extend the current democratic and reporting requirements demanded of unions to corporations. But, no, they are not doing that. Instead, the government are saying to organisations that represent Australian workers, 'We reserve the right to micromanage you in a way that we would never dream of doing to a private company, but we will impose the same penalties on you that we might on a publicly listed company.'

The government fails to understand that organisations of workers do not exist for the same purposes as businesses. This is where the whole argument behind this legislation falls down. Businesses exist to make a profit. That is what they do and what they are judged on. Corporations law requires directors to act in the best interests of their shareholders and to continue to make a profit. Unions, on the other hand, exist to advance the interests of the people they represent. They advise Australian workers on what they are entitled to and enforce these entitlements. They stand up for Australian workers. They ensure that our lowest
paid workers enjoy something approaching a decent income and quality of life. Unions fight for changes to our workplace laws not for their own benefit—and that is critical—but for the benefit of Australian workers. Unions fought for shorter working weeks. They brought us the weekend. Thanks to unions, we have penalty rates that mean that people working unsociable hours get a decent income. Unions got us annual leave. Corporations did not say, 'These are great ideas; let's give these to our workers'. Unions fought for them. In doing this, unions did not get a direct financial benefit. This is where unions and employer organisations are fundamentally different from profit-making companies—and it makes sense that they should be treated differently.

There is no need for this legislation. The current laws work. They prosecute union officials who get involved in union activity for their own personal benefit. The current laws are working. The motivation, in contrast, behind this legislation is clear. The government hopes to tie up workers and their unions in abundant amounts of red tape to stop them advancing the interests of the people they exist to look out for. There is no omnibus repeal day of red tape for unions from this government. The aim of this government, through this legislation, is to strangle our unions in red tape. This bill is a step towards the resurrection of Work Choices. The Greens will stand with unions and workers in opposing this bill.

Senator BACK (Western Australia) (11:07): It is with pleasure that I rise to speak to the Fair Work (Registered Organisations) Amendment Bill 2014 and make the point that Senator Rice, in fact, has made the case mainly for the introduction of this bill. It is just so logical that we would serve and want to protect the very people that previous speakers have spoken about. Of course, this is part of the objective of the bill. It is also consistent with the policy that the coalition took to the 2013 election, which was based around better transparency and accountability for registered organisations. We said at the time leading up to the election—which, of course, the coalition won:

The Coalition will take strong action to ensure registered organisations are more transparent and accountable.

All of us know well the reasons why, over the last two or three years—as Senator Birmingham, who is in the chamber, is well aware, as are others who are taking note—it has become necessary for this to happen. I participated in Education, Employment and Workplace Relations Committee hearings, whilst the last government, the Labor government, was in power and, indeed, the minister was Mr Shorten, now the Leader of the Labor Party and the opposition in this parliament. Many of the amendments go towards undoing what were bad amendments and bad law that he introduced, which the committee at that time tried to identify. Representatives of unions and employer groups came before the committee to point out to the committee, and through the committee to Mr Shorten, just how short he was in his thinking. Contrary to the assertions of Senator Rice in the last few minutes, many of the amendments are actually aimed at undoing what was seen by union members, by representatives and, indeed, by others and the committee as being unnecessary and draconian. This bill, rightly, will reverse some of those measures.

What does the bill propose? Firstly, it will establish an independent Registered Organisations Commission to monitor and to regulate registered organisations with better investigation and information-gathering powers that will go on to the wider community, including union members. Secondly—and this is where I come to that hasty and ill-advised
push by the then minister and now Leader of the Opposition, Mr Shorten—it will amend the requirements on officers' disclosure of material personal interests and change the grounds for disqualification and ineligibility for office. We at all times said that the previous amendments were far too draconian. We thought they were unnecessary. They were not necessary; they were not wanted. Witnesses came forward to tell the committee they were not wanted. Certainly, the reports and recommendations, as I recall, of our committee pointed to that.

Thirdly, the objective is to strengthen existing financial accounting disclosure and transparency obligations under the Fair Work (Registered Organisations) Act 2009, making them enforceable as civil remedy provisions. Fourthly, the bill will increase civil penalties and introduce criminal offences for serious breaches of officers' duties as well as those new offences in relation to the conduct of investigations under the act. The bill provides for the formation of the commission and, of course, as an adjunct to that, the appointment of the independent commissioner.

It is lamentable to actually go back and reflect on what really was the laziness and the incompetence of the then minister. Basically, what happened was that the coalition announced its policy quite early prior to the 2013 election. Then Minister Shorten panicked. He in fact directed his department to try and short-circuit the whole process. He got it wrong; he did not give adequate time for consultation. He did not give adequate time for people whom he thought he was representing in this to consult and to participate. As I recall it—I think I am right—there was only a five-day period in which to examine the bill. Five days is not adequate, particularly when it was going to have the impact that it was on union officials and on others, some of them very, very well experienced already, who were going to have to be subjected to extensive training programs when already they themselves were quite expert in these areas. All that was ignored by Mr Shorten and so, therefore, it has become necessary for us in this place to bring this bill forward to give effect to sensible amendments.

In fact, at that time, as I recall, the then National Secretary of the Australian Workers Union, Mr Howes, was concerned for many of the elements that we are introducing into this place today. He spoke about the cancer of dishonesty and how it can corrupt an organisation. He spoke further at that time, as I recall, of the need for developing resistance to corruption at every level. The wider community agrees with this. I do not think anybody in this parliament would disagree with those points. Therefore, these amendments have a strong support, as I understand it, from members of the union movement, who do not want to see a repeat of certain events that we have seen played out over the last few years.

Mr Shorten, in his second reading speech, when speaking of levels of disclosure, made this comment:

This bill will require the rules of registered organisations to provide for the disclosure of remuneration, including board fees, of the five highest paid officials of the organisation as well as the two highest paid in each branch, to the members of the organisation.

That is not an unreasonable requirement, one would have thought.

Determining the five highest paid officials will be based upon monetary remuneration rather than non-cash benefits. However—

Mr Shorten said at the time—

where an official's remuneration is required to be disclosed, that disclosure will require non-cash benefits paid to the official to be identified.
These requirements came into effect, as we know, in the act as implemented by Mr Shorten.

I made an observation a few minutes ago about the requirements for extra training of existing officers, which had to be undertaken prior to 1 July. Today is a good opportunity to raise this. When you have a look at those training requirements and who would be the subject of these training requirements you see that, where a person has to meet certain criteria, there is no recognition of a situation where if in the opinion of the commissioner those people meet those criteria they can be exempted from a training program. But, no, so hastily were the original amendments and the original bill developed and implemented that in fact everybody, even a person with degrees in economics and commerce and accounting, would have to receive this training. We are attempting to change that with these amendments.

What is it that the coalition government is attempting to do with these amendments? The first amendment is to the disclosure requirements for officers of registered organisations to align them more closely with the Corporations Act so that the requirement to disclose material personal interests applies only to those officers whose duties relate. The second amendment, and the interesting thing, for which I would urge the support of all parties, will remove the more invasive disclosure requirements for officers of registered organisations, which were introduced by the Labor Party when it was in government. Indeed, officers are required to report even their family members' material personal interests. Therefore, contrary to the contribution by the previous speaker, this is not something that is trying to add an undue burden on an officer; it is removing the undue burden on that officer. It seeks to remove the invasive disclosure requirements associated with reporting family members' material personal interests. Anyone who opposes that really is saying that we do need to know all of the personal interests of family members. Who is a family member? Is it a spouse, dependent children, non-dependent children, brother-in-law? These requirements are not necessary. They should never have been in there. Witnesses from both sides of the equation—witnesses from employers and from unions, as I recall—appearing before the Education, Employment and Workplace Relations Legislation Committee pointed this out to the committee. My recollection, through you Madam Acting Deputy President to Senator Fawcett, is that we also saw the stupidity of that. Anyhow, that is what we are seeking to do. I will be interested to see whether the Labor Party and their associates the Greens actually support us in that. Thirdly, we seek to align the material personal interest disclosure requirements for officers of registered organisations with the Corporations Act, so that disclosures need to be made only to the governing body and not to the entire membership. Once again, one would have thought that if we wanted to attract good people to represent their members that would be a plausible amendment to make.

When it comes to payments, we seek in these amendments to limit disclosures of related party payments to payments made above a certain prescribed threshold, and with certain other exceptions based on the exceptions in the Corporations Act, for members' approval of related party transactions. Surely, anybody who is a member of a registered organisation would want to know about, would want to have access to and would want to be able to comment on and see transparency in disclosures of related party payments made above a certain prescribed threshold—all independent, independent commissioner, independent commission.

The amendments also provide the Registered Organisations Commissioner with the discretion to waive the training requirement for officers of registered organisations if the
committee is satisfied that they fully understand their financial duties because of their level of qualification. Imagine someone with the qualifications of Senator Whish-Wilson, who is in the chamber, with his wealth of experience in financial management and accounting, being subjected to some training regime. This amendment is entirely sensible and entirely reasonable. It should have been there if Mr Shorten had been doing his work and not trying to rush to gazump and pre-empt what the coalition was bringing to the 2013 election. The amendment aims to give the commissioner discretion. We see recognition of prior learning in the education space. It is something we all know well. All it is doing is saying that we want to give an independent commissioner the discretion to waive the training requirement, to allow people to submit to the commissioner where their qualifications lie and have the commissioner determine whether in the commissioner's view their qualifications, existing training and what they are doing at the moment are satisfactory to meet the statutory requirements.

In answer to the comments made earlier, it is not apparent to me that these amendments are harsh or that they are trying to take away the rights of people. It seems to me that what they are about is to return to a level of normality.

It is the case in today's world that we have the tools; that is a much more educated community of people—a community of people who are able to access the tools they may need to determine the eligibility, the viability and the integrity of organisations of which they are members. These organisations use funds provided by those members. Therefore it seems to me that the clauses contained within this amendment are entirely reasonable.

In discussions I have had with members of the community, they have commented, 'Why don't they already exist? Would we have had the problems that have occurred in several unions over the last three or four years if this legislation was already in place?' I think that is an interesting point for those on the other side of the chamber to reflect on. Nobody wants to see the reputation of any registered organisation or any union being dragged through the mud, as they have been; no-one wants to see the reputations of corporate organisations—companies et cetera—dragged through the mud. That does not do anybody any good; that does not do the economy any good; that does not build confidence in the Australian community. It seems to me that any legislation that is aimed at fairness and aimed at removing unnecessary and ridiculous restrictions—like having to declare family members' interests or like having to subject yourself to a level of training when you probably could have written the textbook in the first place—is reasonable. It seems to me that these are entirely sensible amendments, and I commend them to the chamber.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (11:23): This is the third time in my recollection that I have risen to speak in opposition to a bill of this kind. The first time was March 2013 in response to a private senator's bill introduced by Senator Abetz while Labor was in government. Then the coalition tried with a government bill in May last year, which I am pleased to say the Senate defeated. Now we have the third iteration of this ideologically-driven nonsense. It is starting to feel a bit like Groundhog Day.

Each iteration of the bill has been different, but the fundamental purpose has been the same: drown trade unions in red tape and impose exorbitant penalties so that it becomes impossible for them to do the work that they are expected to do—which is to represent the working people of Australia. And this is from a government that promises to reduce red tape,
except when it comes to trade unions. No, they pretend to stand up for the trade union members, saying they are trying to increase accountability and transparency, but is it in the interests of Australian workers who join a union to have the costs of their union membership driven up by unnecessary red tape? Is it in their interests for the fees they pay each year to be rendered worthless because the union they joined cannot effectively operate? What the Abbott government is really doing is standing up for their mates in big business by attempting to stifle unions.

Australia's trade unions do important work: they represent their members in courts and industrial commissions; they campaign for policies that improve the conditions of working Australians; and they engage in collective bargaining on behalf of their members. As much as those opposite would hate to admit it, the Australian trade union movement is the largest membership based social movement in this country. In fact, the great standard of living that most Australians enjoy is due, in large part, to over a century of hard work by Australian trade unions to ensure that our prosperity is shared by all. This does not sit well with the Abbott government, which would rather see Australia's economic gains go to their mates in big business than shared with the workers who helped to create it. The problems of corruption and malfeasance within some unions is a convenient excuse for those opposite to introduce legislative changes, which they know would effectively silence the union movement, including the overwhelming majority of officials who are doing the right thing by their members.

The government promised during the election that they would regulate registered organisations in the same way as corporations. But with this bill they are breaking that promise, because this bill imposes more onerous reporting requirements and tougher penalties on registered organisations than those imposed on company directors. Let me highlight a couple of areas where the bill is tougher and more onerous than the Corporations Act. In a number of sections the level of penalty could be seen as inappropriate and as going further than the Corporations Act. For example, there is a maximum penalty of $85,000 for failing to respond within 28 days to a member request for a statement of membership. The duties in sections 285, 286, 287 and 288 of the RO Act are based upon sections 180, 181, 182 and 183 of the Corporations Act. The maximum penalty for a 'serious contravention' of 180, 181, 182 or 183 of the company act is $200,000 for an individual and $1 million for a body corporate. This is less than the amount in the bill and, unlike the Corporations Act, the penalties in the bill would automatically increase as the value of a penalty unit increases.

Much higher penalties are applicable to breaches that are a 'serious contravention'. Defining a 'serious contravention' as a contravention that is 'serious' does little to clarify that meaning, despite a similar provision appearing in section 1317G of the Corporations Act. Given that the definition of serious contravention draws on section 1317G, there is a notable distinction in the Corporations Act: under certain conditions no pecuniary penalty may be awarded at all. It is apparently proposed that penalties be available irrespective of whether the conduct concerned meets the definition of a 'serious contravention'.

Before I explain what else I find so fundamentally wrong with this bill, let me outline a couple of things that I believe everyone in this place can agree upon. We agree that problems such as corruption and misappropriation of funds have taken place in some trade unions. We agree that it needs to be stopped and that those responsible need to be brought to account
under the law. Where we on this side of the chamber disagree with the government is with their suggestions that corruption is somehow endemic to the union movement, or more widespread than other areas of society, such as business. We have had a multitude of examples in the financial industry of investors losing their money on the basis of misleading advice—collapses such as Westpoint, Timbercorp, Storm Financial—yet this government has sought to water down financial protections. On the other hand they sought to establish a royal commission into union corruption. It is just another example of the twisted priorities of this government. We know that those opposite will try to claim that Labor, in opposing this bill, is not serious about keeping trade unions accountable, but that is just their rhetoric.

Let us not forget that it was the Labor government which introduced laws to strengthen the accountability framework for registered organisations. In fact, the penalties we introduced in 2012 were tougher than those introduced by the current Prime Minister when he was the minister for workplace relations. Quite frankly, I find utterly offensive the suggestion that my Labor colleagues and I would condone corrupt behaviour. I am not convinced that those opposite think that this bill is the solution either. It is quite insulting to hardworking union officials and employer organisations to be told that their work is corrupt, and that they might condone that corrupt behaviour. The government are simply using this as a convenient vehicle to introduce a regime which they know would hobble the union movement. We already have an accountability framework for registered organisations that works well. Under the Fair Work Act, officers of registered organisations already have fiduciary duties similar to those of directors of corporations. The act requires officers to disclose their personal interests, and ensures officers disclose when payments are being made to related parties. The act also requires officers to exercise care and diligence, to act with good faith, and to not improperly use their position of political advantage. The act prohibits members’ money from being used in internal elections. It allows for criminal proceedings to be initiated where funds are allegedly stolen or obtained by fraud, and the Fair Work Commissioner can share information with the police as appropriate. In the words of the Australian Council of Trade Unions in their submission to the Senate inquiry on the previous version of this bill: ‘The bill creates a large volume of new regulation (without evidence of its necessity), and a new Commonwealth regulator (where one already exists).’

Mr Deputy President, the onerous provisions of this bill, the Fair Work (Registered Organisations) Amendment Bill 2014, would have the effect of dissuading people in both employer and employee organisations to take on official responsibilities in a voluntary capacity. Many registered organisations rely on their members to take on volunteer roles, but the penalties in this bill could make taking on these roles too much of a risk. Even if the bill did what the government claimed it did and regulated registered organisations in the same way as corporations—and I have already given a couple of examples of how that does not work—it should be recognised that registered organisations are not like corporations. Their officials and board members do not receive the sort of remuneration that corporate executives and board members receive. Unlike most corporations, many registered organisations have elected officials who work without remuneration in a voluntary capacity. The rights and interests that members of registered organisations have are fundamentally different to those that shareholders have in for-profit corporations. Registered organisations are established to provide advice and representation—not to generate wealth for shareholders, like for-profit corporations.
This government bill currently before us is just a solution looking for a problem. We know that this is in the line of introducing Work Choices, whether it be by another name or not. If the government is serious about not introducing Work Choices, I would suggest that they release the terms of reference of their review and that they immediately rule out cuts to penalty rates, allowances, the minimum wage and other working conditions. Before the election, Mr Abbott promised he would not touch workers' conditions. He promised he would not cut wages or penalty rates. If that is the case, why will the government not release the terms of reference for its proposed review of the Fair Work laws? They have already released the terms of reference for their review into the workplace relations system. The Abbott government must immediately rule out attacking Australian workers' penalty rates, their minimum wage and other working conditions; conditions which trade unions work day and night to make sure are available for those that need them. I also have to ask: if the coalition are intent on proceeding with this bill, why have established the royal commission? What is the point? If the government that promised to 'end the waste' is pouring millions of dollars into solving a problem they already claim to have the answer to, what is the point? Why are you doing it?

Just earlier, in debate on the previous bill, we heard Senator Brandis talk about reducing red tape—in fact, he waxed lyrical for about 20 minutes on the importance of removing commas. All I can say is, the government really need to focus on what is real, and to stop their ideological arguments. By bringing this bill forward before the royal commission is concluded, I wonder if the government is just trying to pre-empt the outcome. The fact that we are debating this bill today exposes the whole royal commission process as the expensive, political witch-hunt that we always said it was. This is a government which came to power on a promise of being an adult government—we have all seen how that has turned out! They came to power on a promise of ending waste and mismanagement. Yet this government wastes time and taxpayer dollars on fighting ideological battles. Maybe if they had spent the last 520 days—before 'good government' began—working, and focusing on issues that were important, and caring about the people of Australia rather than trying to attack the trade unions, they might have done a bit better.

We all know what the end game in all of this is. As much as the Abbott government tries to claim that Work Choices is 'dead, buried and cremated', we know that they cannot help themselves. We know that it will come back in some way, shape or form. Work Choices is in the coalition's DNA. It doesn't matter whether Tony Abbott, or Malcolm Turnbull or Julie Bishop is leading the government; they all support the removal of the rights and conditions that unions have fought for decades—cutting the minimum wage; stripping away penalty rates; undermining collective bargaining. The coalition really do not like that part about collective bargaining. The job of reintroducing Work Choices would be so much easier if they weakened the union movement, and we know that this is what this bill is designed to do.

We know the coalition is intent on destroying unions, but I am curious to know whether they have also considered the impact of this bill on other registered organisations—the ones that represent employers. The previous iteration of this bill—the 2013 bill—was referred to a Senate inquiry, which heard from a number of registered organisations, including employer representatives. I know that employer groups and unions are at odds on a lot of issues, but the registered organisations that submitted to the inquiry were united in their opposition to the
The Bill would impose a far more onerous regime for officers of registered organisations than what applies to directors of public companies. The regime, if enacted, would undoubtedly deter persons from standing for office in employer organisations. In practice the provisions of the Bill would seriously impede many organisations from carrying on their daily business operations.

I doubt that the Abbott government would have ignored the concerns of employer groups when they introduced this bill, and I am sure the employer groups were banging on the door. But I presume that they just considered them to be collateral damage in their crusade against the union movement. We on this side are concerned for the viability of registered employer organisations, as we are for registered employee organisations. After all, they have an important role to play in our workplace relations system in helping employers to understand their rights and their obligations under the law. It is interesting to note that the employer representatives that support the bill, as they supported the previous versions of this bill, are not registered organisations—bodies such as the Australian Mines and Metals Association, for example. What might be more interesting is to see how these organisations might react if the government proposed to regulate them in the same way.

The claim that is often levelled at Labor members and senators by the coalition is that we do not care about business, we do not understand business, we have not run businesses. Let me tell you that I was self-employed for 10 years. I know what it is like, and I understand the challenges and pressures involved in that area. I grew up in a family where my mother ran small businesses for 35 years, and two of my brothers are currently in small businesses. So I do understand the concerns of small business, and I find it offensive that those on the other side, who think they are to the manor born, constantly run this line which is so inaccurate. The fact is that they just do not understand how to use public policy to grow the economy and to create jobs. When we were in government we faced the biggest downturn in the global economy since the Great Depression, yet we created almost one million jobs over a period of six years. Under this government, 40,000 Australians have joined the jobs queue and it is harder for young people to find work than it has been since the 1990s. Such is the frustration of the government at their lack of economic strategy being exposed that they are looking for scapegoats.

I have spoken in this place on various bills about how this government has tried to blame unemployed Australians. The government has suggested that job seekers are not serious about finding work, and all they need to do is to be punished a little harder. Now, with this bill, they have locked their sights on another old enemy—the Australian trade union movement. Everybody knows that the focus of this government is all wrong. We all know they should stop focusing on their internal leadership squabbles. They could at least talk to each other and get their lines right. Maybe they could show a little more tenderness. They should stop focusing on savage cuts and attacking the living standards of the most vulnerable and disadvantaged people in Australia. And they should stop fighting old ideological battles as they have been doing, and are continuing to do, with the reintroduction of this bill. Stop scapegoating. Get on with developing some serious solutions for the economy and stop wasting the Senate's time, as you did earlier, with 20-minute tirades on how important it is to take commas out of legislation.
Senator SESELJA (Australian Capital Territory) (11:41): I am pleased to be supporting this bill today, the Fair Work (Registered Organisations) Amendment Bill 2014 and I do have to respond to some of what Senator Bilyk had to say.

Senator Bilyk: Of course you do.

Senator SESELJA: I do, Senator Bilyk. I have to respond to some of it because, firstly, most of it did not make sense, and I want to go to where it did not make sense. It is important because I think the reason part of Senator Bilyk's response did not make sense is that the Labor Party do not really have anywhere to go on this. They are pretending that they are opposing it — in Senator Bilyk's words — or that it is an attempt to bring back WorkChoices. If you look at the bill, you will see it is absolutely nothing of the sort. It is actually doing what people such as Paul Howes agree with, which is to focus on those who do the wrong thing and to make sure there are strong safeguards and strong penalties. This is so we can have confidence that the majority who do the right thing are not labelled as wrongdoers, as fraudsters — like the minority of leaders, not just in unions but also in other groups, who do the wrong thing, who rort members' money. If we are going to have a debate about this, let's talk about the facts of this bill. Do we actually agree — and this is the question at the heart of this bill — that people who deliberately rort members' money —

Senator Bilyk: No, we do not. I just said that!

Senator SESELJA: I just said that! The heart of this bill is to ensure that there is a robust regime to ensure that those types of people are brought to account. It is not against the average, hard-working union official who is doing the right thing. They would have absolutely nothing to fear from anything in this legislation. I agree with Senator Bilyk that the majority do their best and are not seeking to rip anyone off. They would have absolutely nothing to fear. But we have senior judges such as Federal Court Judge Anthony North saying that the penalties under the current act are 'beneficially low to wrongdoers'. Let's reflect on that for a moment. Federal Judge Anthony North has said the penalties you are supporting are beneficially low to wrongdoers.

Let's ignore the fig leaf that the Labor Party has tried to use to cover their opposition to this legislation. If the Craig Thomsons and the Michael Williamsons of the world do the wrong thing — and in some cases they can be criminally prosecuted — and if judges like Anthony North say that the current penalties are beneficially low to wrongdoers, then I think the Australian people would look at legislation and say, 'Why wouldn't you want to fix that situation?' Why wouldn't you want to say to the community, 'We have zero tolerance for this kind of thing?' Occasionally, and sometimes too occasionally, we see people doing absolutely the wrong thing, and we should condemn it, and there should be a robust regime and robust penalties that provide a very strong deterrent and bring those people to justice. Surely that is something we should be able to agree on here.

Senator Ronaldson interjecting—

Senator SESELJA: Indeed. If you are voting against this, you can make all the arguments about things that it is actually not about, things that it does not do, but that is fundamentally what you have to answer. Paul Howes said:
I actually believe there is a higher responsibility for us as guardians of workers' money to protect that money and to act diligently and honestly.

The reality is I do not have any issue with increasing the level of requirements and penalties on trade unions for breaching basic ethics like misappropriation of funds.

And who would disagree with that? Who would reasonably disagree with that? Paul Howes, prominent union leader, has said he does not have any problem with having reasonable penalties.

Senator Polley: Former!

Senator SESELJA: Well, at the time he said it, he was a prominent union leader. I do note the comments of Senator Polley that Paul Howes is no longer one of theirs.

Senator Polley: Mr Deputy President, I raise a point of order. I draw your attention to the fact that the good senator was misleading and was defaming the words that I said, so I want to correct the record.

The DEPUTY PRESIDENT: That is for me to decide, of course, and it is not a point of order, Senator Polley. Senator Seselja, you have the call.

Senator SESELJA: Thank you, Deputy President, I do appreciate that. It is interesting that they would distance themselves now from Paul Howes and say that he is not one of theirs, that he is no longer a senior union official, so it does not matter what he thinks on the matter. Well, they were happy for him to help knife the Prime Minister and they were happy for him to be a factional leader who no doubt supported a number of their preselections in this place. But if he agrees that wrongdoers should be brought to justice, well, he is no longer one of theirs; he is no longer in the labour movement. That is interesting. I certainly would not agree with Paul Howes on many things, but I would have thought he does have some authority to speak as a senior representative—now a former senior representative—of the Australian union movement. People like Paul Howes and Justice Anthony North say that something needs to be done. Justice Anthony North says that the penalties are too low, and Paul Howes says, 'I've got no problem with having better penalties, reasonable penalties, penalties that are more reflective of the seriousness of some of these offences.' Let's be clear: while not all registered organisations are large, many are. Many manage significant funds. So the potential for wrongdoing is serious and therefore the responsibilities are high. I think this is an absolute fig leaf.

Senator Bilyk was saying, 'This is just about an attack on the unions,' but then she contradicted herself by saying that it also applies to employer groups. So, if it were actually about attacking unions, why would it also include employer groups? Again, your argument very clearly falls down. In fact, your argument fell down as you were delivering it, as you contradicted yourself: it is all about unions, except it is also about employer groups. Well, it is actually about wrongdoers. It is about saying, 'If we can say to company directors that there will be serious fines and, in some cases, criminal prosecutions for serious wrongdoing as company directors, then why can't we say that to registered organisations? In many cases, they are very large organisations with large membership groups and large amounts of funds at their disposal. I would have thought that a reasonable person would look at this and say that that is reasonable—that those who do the right thing have nothing to fear and that those who do the wrong thing should have something to fear, and we should ensure that penalties are commensurate with the wrongdoing in particular cases.
Unfortunately, we do see examples where some organisations are out of control. I will give some examples. We saw eight days of unlawful industrial action by AMWU and CFMEU on a WA site—the Woodside LNG project—in 2008. CFMEU officials threatened to stop work at a Lend Lease site in Adelaide if the union flag was not flown: 'If you don't put it up there—' the union flag on the crane—'we'll bring back 10 brothers tomorrow and stop the job.' There were alleged threats of retaliatory, disruptive industrial action if a Darwin building firm did not give in to CFMEU demands. A WA unionist unlawfully told CFMEU union members to stop work five times at the Probuild construction site in Perth and unlawfully coerced a subcontractor to enter an enterprise agreement with workers. Just this year we saw a Western Australian union boss fined 35½ thousand dollars for bullying workers and threatening to have one contractor's workers thrown off every construction site they were on in Perth if they did not participate in a strike. There are some things I agree with Senator Bilyk on, and one of those things is that the majority of union officials are not in that category. But, unfortunately, we have serious examples of officials who absolutely do the wrong thing.

This legislation is about ensuring that we have law and order in all aspects of our community. Law and order should not stop at the worksite. It should not apply on building sites, as we have seen in some cases around the country. That holds business back. That holds back the ability of business to be profitable and to employ more people—and in the end that hurts workers; that absolutely hurts workers.

If you are genuinely pro worker, then you would want to have a regime in place that discouraged the Craig Thomsons of the world from robbing union members' funds. You would want to have a regime in place that made it harder for another Michael Williamson. Those are two examples that absolutely appalled us. HSU members—hardworking union members and, in many cases, low paid—expect that as a result of paying their union dues they will get fair representation. I am not anti union. I was a member of a union when I worked as an employee of Woolworths. I was a member of the STA. There is nothing wrong with unions, in my opinion. They have a place. They have an important place. But, if individuals in registered organisations, be they employer groups or unions, do the wrong thing, they need to be held accountable. We need to have a robust framework that holds them to account so we can restore balance and fairness to the system.

Let us go to what the bill actually does—

Senator Lines: Finally! Finally, we get to the bill.

Senator SESSELJA: Well, I have been responding to what Senator Bilyk said and talking about all the things that it does not do. It does not bring back Work Choices. It does not go after people who do the right thing. It goes after those who do the wrong thing.

The bill establishes an independent watchdog, the Registered Organisations Commission, to monitor and regulate registered organisations, with enhanced investigative and information-gathering powers. It amends the requirements for officers' disclosure of material personal interests—and related voting and decision-making rights—and changes the grounds for disqualification and ineligibility for office. It strengthens existing financial accounting, disclosure and transparency obligations under the Fair Work (Registered Organisations) Act by putting certain rule obligations on the face of that act and making them enforceable as civil remedy provisions. It increases civil penalties and introduces criminal offences for serious
breaches of officers' duties, as well as introducing new offences in relation to the conduct of investigations under the registered organisations act.

That is what the bill does. It does not do anything that Senator Bilyk claimed in her speech. I am not sure if she has read the legislation—

**Senator Bilyk:** I have, actually.

**Senator SESELJA:** but it does not do any of that stuff. It does not bring back Work Choices. It does not go after those who do the right thing. It goes after those who do the wrong thing.

**Senator Bilyk:** It's the way you want to bring back Work Choices.

**Senator SESELJA:** Senator Bilyk again says, 'This is the way you want to bring back Work Choices.' Under her theory, the secret, cunning plan to bring back Work Choices is to go after rotten officials! That would be the way to bring it back! I would have thought there would be bipartisan support for that. It is not a return to Work Choices or anything else. It means ensuring the public can have confidence that there is a proper regulatory regime in place so that those who do the wrong thing will be held to account, such as those who, in that minority of cases—that small number who put a stain on all other representatives—instead of doing their jobs diligently for the benefit of those that they represent, seek to enrich themselves through rorts. Surely, we should all be able to agree on that. But it appears, as we debate this legislation, that we cannot. We cannot agree on something that seems fairly straightforward to me.

The introduction of a registered organisations watchdog will ensure governance of these organisations is kept to a high standard, and a robust compliance scheme will deter wrongdoing and promote good practice. This watchdog will also have the capacity to lead better and more thorough investigations of misconduct. The new Registered Organisations Commission will have the necessary independence and the powers it needs to regulate registered organisations effectively, efficiently and transparently.

I have referenced the HSU scandals: the Fair Work Australia investigation into the Health Services Union took far too long, and the ensuing legal proceedings remain ongoing. A KPMG review of Fair Work Australia's investigations into the Health Services Union identified shortcomings in the conduct of those investigations. Again, surely we would all want to see little more efficiency in the way these things are investigated. That is fair to the accused and to those who have allegedly had wrong done to them, because when these things are not investigated properly and efficiently—if they stretch out for years—that is not fair to the accused. If you are innocent and you are being investigated and it takes years and years to resolve, that is unfair to you. It is certainly unfair in a case where wrongdoing is not proven. It is unfair to those who are seeking redress. It is unfair that it would take so long to get justice in those cases. I think that is another aspect of this legislation which is important.

The commission will have the power to commence legal proceedings and refer possible criminal offences to the Director of Public Prosecutions or law enforcement agencies, as is appropriate. The bill also ensures there are appropriate sanctions against efforts to hinder or mislead investigations. Again, I would think that any observer with common sense would look at that and say, 'That seems a reasonable safeguard to ensure that investigations can
occur and that we don't have someone trying to block those investigations, so the commission can thoroughly investigate the alleged wrongdoing and get to the bottom of it.'

I do not know whether or not this legislation will have the numbers in the Senate today. I know that the Labor Party is going to oppose it; I know that the Greens are going to oppose it. I think that is unfortunate. If the Senate does block this legislation it will be a genuine case of obstructionism.

There are many things we disagree on; there are many contentious things. When we debate budget changes they are difficult and we all understand that. Presumably, we are trying to get to the same goal. But I do not see why this legislation would be contentious to any reasonable person. I do not see what would be contentious to a reasonable person, in saying, 'Yes, we've had some problems. Are they isolated cases? We certainly do not believe they represent the majority, but we know of some very serious wrongdoing.'

Senior judges have identified the fact that the penalties are simply ridiculously low. They favour wrongdoers. So some people have absolutely done the wrong thing where the penalties, at least according to some senior judges, are too low. You have senior union leaders like Paul Howes, saying, 'I don't have any problem at all with there being proper penalties, proper oversight and a proper regime for the minority who do the wrong thing.'

I would say to those considering how they are going to vote on this bill: are you really doing the right thing by your community, by hardworking men and women in Australia, who, in some cases, have been ripped off, if you leave a regime which makes it easier for them to be ripped off? Are you really doing the job of representing your community? I would have thought that a common-sense look at this legislation would say that it is fair, it is reasonable and it absolutely deserves to be supported by the Senate today.

Senator LINES (Western Australia) (12:01): May I say at the outset that I am a very proud member of United Voice. Prior to coming into the Senate and, prior to being a proud senator for the state of Western Australia, I was an elected official of that union both at a state level and, in the latter part of my career with United Voice, as a national official. I can assure the Senate that I took my responsibilities as an elected official very, very seriously. I can vouch for many members of trade unions who take on elected positions that they take their responsibilities very seriously.

Let me also be very clear, because you will not hear it from those opposite, and I want to make this point at the very beginning of my comments today on the Fair Work (Registered Organisations) Amendment Bill 2014, make no mistake: the Labor Party has no tolerance for corruption by union officials or officers of employer bodies. We have said that over and over again. Not only have we said it but, when in government, we demonstrated that we were very serious about living up to that commitment.

When we had the Senate inquiry into this bill, before it was amended, all of the union officials who appeared before us made that same statement during the inquiry. Labor supports tough penalties for those who break the law. Not only do we support it but we have demonstrated it. We have demonstrated that appropriate regulation for registered organisations is a good and proper thing, including a properly empowered regulator and consequences for those who do not follow the rules. We support that.
Labor, both in government and in opposition, continues to be committed to ensuring financial accountability of unions and employer organisations. That is why, when we were in government in 2012, we put forward laws to toughen the existing financial transparency and disclosures by registered organisations.

What are those laws about, because you will not hear it from that chaotic, dysfunctional Abbott government opposite? You will just hear spin and mistruths. Currently, under Labor’s legislation, the regulation of trade unions in Australia has never been stronger. Accountability has never been higher. The powers of the Fair Work Commission to investigate and prosecute for breaches have never been broader. And, as we heard from Senator Cameron this morning, Labor tripled the penalties, which means they have never been tougher.

Before I became a senator, when I worked as an elected official for United Voice, these laws impacted on United Voice. We had to get ourselves trained and had to change the way we did a whole range of things in order to comply with these laws. So I have direct firsthand experience, unlike anyone over there on the government side, that these laws work. They put in place absolute transparency and if that is not demonstrated then there are tougher laws. I lived under this legislation; I have direct experience of how tough it is.

We hear those opposite talk about the HSU matters. Let me say what the act already does. Registered organisations already prohibit money from being used to favour particular candidates in internal elections or campaigns. That has been a law for a very long time, but of course you will not hear that from the government because they want to put spin around it. Whenever the government are in trouble in this place, they come in here during question time and what do we hear with their dorothy dixers? We hear demonising of trade unions because they hate the way trade unions can talk to their members and can listen to their members’ concerns about the harsh, cruel Abbott government. They hate that. Anything the Abbott government can do to demonise trade unions, to make life tough for trade unions, even at the expense of their business mates, they will do. Make no mistake. That is all spin on the other side.

We have in the act a law which says that you cannot use members’ money to favour particular candidates in eternal elections or campaigns. The registered organisations act already allows for criminal proceedings being initiated where funds are stolen or are obtained by fraud. The registered organisations act already ensures the Fair Work Commission can share information with the police as appropriate, and the registered organisations act already provides for statutory civil penalties where a party knowingly or recklessly contravenes an order or direction made by the Federal Court or the Fair Work Commission under the registered organisations act or the Fair Work Act. Those penalties are already there and that toughness is already there, but of course you will not hear that from the Abbott government, because the bill before the Senate today is not about toughness and transparency; it is about making life tougher for trade unions. In doing that with their right-wing, Tea Party ideology, they have also hooked in their business mates. Their business mates are not happy either.

Under the Fair Work Act officers of registered organisations already have fiduciary duties akin to those for directors under the Corporations Law. We already have that. Make no mistake: government senators will try to stand in this place today and say that we somehow do not, but we do. Those are the facts. The act already requires officers to disclose their personal interests. The act already asks officers to disclose when payments are made to
related parties. And the act already requires officers to exercise care and diligence, to act with
good faith and not improperly use their position for political advantage. It is not surprising
therefore that Labor senators should question the motives of the Abbott government and their
reasons for introducing these reforms before the Senate today.

Labor will oppose the bill before the Senate today—and sensible senators will also oppose
it—because it just goes too far. It demonstrates the ideology of the Abbott government: its
right-wing, Tea Party agenda. The bill also highlights the chaotic and divisive nature of the
government. It shows that it is not prepared to trust anyone. It just furthers the mistrust that
community members have in the government. The dysfunction of the government is well and
truly on display. The Abbott government has demonstrated time and time again that it does
not like trade unions. And it does not much like Australian workers. It demonises
shipbuilders, claiming—as the government did prior to Christmas—that you would not trust
them to build a canoe. What a disgraceful statement that was and, rightfully, that minister has
been thrown onto the backbench. Fancy pretending to be a government that supports
Australian workers and making that claim, which will remain on the Hansard forever and a
day in this place—saying to those shipbuilders: 'I wouldn't trust you to build a canoe.' No
wonder the Abbott government's popularity and the Prime Minister's popularity are dropping
in the polls, when they can so flippantly make that type of comment.

The government's agenda is to make life harder for workers and their representatives in
whichever way they can. A demonstration of that is to point to this unnecessary bill, which
Labor will not support. When in government we set very high benchmarks for trade unions
and registered organisations. Let me talk for a moment about the registered organisations. If
you listen to the Abbott government, you would think it is all about unions. You will not hear
government senators talk very often about employer organisations. You will just hear them
trying to demonise trade unions in this country. When they talk about ordinary Australians, it
is almost as if they are drawing a distinction between ordinary Australians who are members
of trade unions and another group of ordinary Australians who look upon trade unions as
somehow evil or with horns growing out of their head. That is the sort of message you will
get from the Abbott government.

Let me talk about who the government is seeking to demonise. Trade unions and employer
groups both rely on volunteers. During the Senate inquiry, we heard evidence from employer
groups and trade unions about their volunteers. What these two organisations have in
common—trade unions and employers—is that, without volunteers, those organisations will
simply cease to exist. When you look at United Voice, my trade union
—and it is not much
different to all the other trade unions in Australia in terms of the way it has been set up—you
will see that most of the office bearers are volunteers, as they are in other unions, but you will
not hear that from those opposite. We heard evidence from employer groups. I will certainly
stand corrected on the record. I think it was AiG who told us that they rely on vast numbers of
volunteers. Possibly 80 per cent of the people who run that organisation on behalf of small
businesses in this country are volunteers.

The legislation that is before us today seeks to impose great barriers on volunteers. We
heard employer groups during the Senate inquiry tell us that it would be very hard for them to
attract volunteers when they would have to sit down and go through all of the requirements
that volunteers have to undertake. I am not stepping back from the tough legislation that
Labor put in place. But this legislation that the Abbott government has put in place that seeks to attack trade unions at the expense of their business mates will impose much tougher penalties and much greater responsibility in terms of disclosing transparency and so on.

As I go around the state of Western Australia I see that there are chambers of commerce in our small country towns which usually consist of one or two or three volunteers. Make no mistake, the Abbott government is seeking to penalise those small country employer associations by imposing much greater red tape. Of course, you will hear from the National Party senators today that that is a good thing. So I say to those out in the bush, to those employer associations in the small rural towns in Western Australia, it is the National Party, which actually does not represent the bush anymore, which has imposed this much greater level of responsibility on your organisation.

What we know about volunteers in our community, whether they are in the metropolitan area or the country, is that they usually volunteer to do other things. They might be volunteering to be an official and take up an official position on a trade union or on their local employer association, but those people will be active in the playgroups, in their football clubs, in their netball clubs and in a whole range of other areas. These are the ordinary Australians that the Abbott government is seeking to impose much greater responsibility on.

This morning in this place on another bill I heard Senator Brandis say that the Abbott government was absolutely determined to reduce red tape, green tape and beige tape, a new colour of tape that we heard about from Senator Brandis today. Perhaps Senator Cormann might tell us later on what beige tape is, but that has been added to the list. I am not sure who beige tape strangles—no doubt we will hear about that from the government—but there is a new colour of tape added. What Senator Brandis said is that Australian businesses yearn to be free of that red, green and beige tape. But the Abbott government, in pursuing this harsh, overburdensome legislation, is imposing greater red, green and beige tape. Perhaps it is just red and beige—I think I understand what green is. So it is attempting to impose red and beige tape on employer organisations.

We heard from another government senator who said that Australian businesses, employer organisations and unions did not want to be dragged into the mud. Yet what do we see from the Abbott government when it is in trouble, when its popularity rate is at the lowest level in our history? Every day in this place during question time, with its Dorothy Dixers, we see it demonising and dragging trade unions into the mud. We get the backbenchers asking Senator Abetz a question which seeks to drag a trade union into the mud.

These are just two very small examples where you cannot trust the Abbott government on anything it says. The mistrust the Australian people have of the Abbott government is at an all-time high, and ordinary Australians who are members of trade unions also mistrust the government. I can assure the Abbott government that the nurses, the cleaners, the teachers, the early childhood educators, the hospitality workers, the metal workers, the construction workers—ordinary Australians who turn up to vote—who volunteer for their trade unions in an elected capacity do not support this legislation.

Labor's legislation is still being bedded down. There has been no review or consultation of that legislation. Interestingly, in the time between when this bill was put forward and it finally got to this chamber to be debated, we had that great proclamation from Prime Minister Abbott Monday week ago. 'I'm going to listen,' he said. If he were really listening he would have
gone back, looked at this Fair Work (Registered Organisations) Amendment Bill, looked at the evidence that we heard in our Senate inquiries and said, 'Hang on a bit. This is not supported by my employer mates, and it's not supported by trade unions.' Nobody gave evidence that they supported this current bill that is before us. Labor has said that is just weasel words from the Prime Minister. He has no intention of listening, because if he were really listening this bill would be taken back to the drawing board. In fact, if he were truly going to live up to his words that he was listening then this bill would be put on the scrap heap.

Monday must be the day the Prime Minister makes new proclamations because this Monday he promised good government. Now, I am not quite sure when good government is going to start. He did not give a time. Maybe it was Tuesday. But we are yet to see good government in this place. There is no good government. Quite frankly, what was he doing from September until this Monday, because we have not seen good government by his very own admission? Good government would not impose this ridiculous, right wing, Tea Party, antiunion legislation. It would not, because we have tough penalties in place. We have a judicial system which can prosecute people who are alleged to have undertaken criminal activity, which has a range of actions, and that is actually what has occurred in this place.

The government is not listening, the Prime Minister is not listening, and I think he is on his last legs. Mr Turnbull is still sniffing around, as is Ms Bishop. We have not yet seen good government in this place, and this bill will not be supported by Labor.

Senator McKenzie (Victoria) (12:21): I am a little disappointed to yet again be standing on my feet, fighting for fairness for Australian workers and Australian businesses. Senator Lines, when you talk about fairness, I congratulate you for stating the fact that you think we have actually got it right when the unions and the employer organisations both think that we have not quite got it right. That is definitely not running a union-bashing exercise. It is actually a policy setting that is just about a sweet spot when you are very much mired down in the complex and partisan space of industrial relations.

I will go to the consultation that the minister, whilst he was the shadow minister in opposition, undertook in developing this particular policy initiative. Indeed, Senator Lines knows all too well the level of consultation we have had on this particular piece of legislation since she and I have been chair and deputy chair on the Senate committee that has been charged numerous times as Labor has subverted the process of the Senate and sent legislation off to the references committee, simply to stall and to hear once again the bald-faced rhetoric of the ACTU and co trottled out.

I really do think it is pretty rich for those opposite to stand up and talk about the benefits of a strong trade union culture in this country and the strong governance within trade unions. While Senator Lines was doing the right thing while she was an organiser and a governing member of United Voice, we know the reality is that that is not always the case. Union members across this country have not always been able to have that confidence in the governance structures of their unions. And it is not just union members; it is anybody that is part of a registered organisation. A member of a registered organisation that has paid fees to somebody else to advocate on their behalf should have complete confidence that those people are using that money to fight for the things which they were employed to do.
I commend the minister for bringing this forward. As we know, it is about industrial matters. Registered organisations represent views, and, as in industrial relations, these are usually polarised views. Every time we bring this forward we have a similar debate. I am really disappointed that the Labor Party cannot actually see that we have found the sweet spot. So when they look at registered organisations, they say, 'This is a union-bashing exercise.' Actually, as of 17 October 2013 there were 112 registered organisations listed with the Fair Work Commission, of which 67 were employer organisations and 45 were employee organisations. If anybody is being bashed with this legislation, it is actually the employer organisations. So I think that is actually quite a fallacy.

We have heard government senators here today provide a litany of examples of governance structures within a variety of unions misusing the trust of honest working Australians. When opposition senators—and I assume Green senators will follow in trot—stand up and actually critique our government as being antiworker, I say it is nothing of the sort. It is this government—and this minister—that is actually the best friend that the Australian worker has ever had. We are focused on making sure that our economy is strong enough to provide more jobs. It is all very well having a strong trade union movement and very well having fabulous OH&S laws, but if you ain't got a job you can't be safe at work. So we are actually really keen on ensuring that our economy provides those opportunities for the hardworking Australian worker to get on, get a job, buy a home, provide for their family, travel and live a full and prosperous life. That is exactly what our government is on about. I am sick to death of opposition senators, and members in the other place, painting us as anything other than the best friends of the Australian— (Quorum formed)

I just wanted to quote from the minister's second reading speech where he makes it clear that the legislation before us today, the Fair Work (Registered Organisations) Amendment Bill 2014, is actually in line with community expectations. The community expects that those in positions of governance, those advocating and working for others—whether they be employee or employer organisations—have a duty and a responsibility to treat that relationship as sacrosanct. We make no apology for treating employer and employee registered organisations the same.

Senator Lines talked about there being no consultation. I do not know how we could have any greater example of consultation in policy development than in this particular piece of work. In constructing the policy, the then shadow minister went out and spoke to a range of stakeholders, not just the usual suspects but the public, states and territories, the union movement and employer groups, to come up with a response that built on the work of the former government and on Shorten's work, hoping for a bipartisan response so that workers and employer organisations could have confidence that both sides of politics would treat that relationship between member and registered organisation as sacrosanct and would be prepared to stand up and ensure that illegal behaviour was not welcome in that relationship. During the consultation, suggestions were made on how to improve the policy. Do you know what this government did? It listened. It did not start listening on Monday; it listened when it received that feedback. This policy was updated and the legislation was amended. I commend the minister for having an open ear and fair heart when he approached this matter.

We had public comments and Senate inquiries. We also had the Labor Party in the last iteration saying, 'We cannot actually send it back to the legislation committee. We will send it
off to the references committee, 'in a highly unorthodox operation. I want to read some of the coalition dissenting report to the Senate for those senators who have not read the completely partisan work of the Education and Employment References Committee into this piece of legislation. It makes comments around the waste of resources and states that the opposition and their Green partners are determined to obstruct this government's fair plan for workers in Australia by sending this legislation off to another Senate inquiry even though weeks previously we had finished an inquiry into the legislation. The dissenting report says:

The Green Labor Alliance's decision to re-refer this legislation appears politically motivated and diminishes the standing of the Senate committee process.

They are working hard for 'the man' but they are not working hard for the men and women who pay the dues of that man. They are working hard for the men and women who control their various preselections.

It must be preselection season for them to be up here spouting which union they are proud to be an organiser or member of instead of focusing on what the good people of Australia have sent us all here to do, which is to focus on them and not on how to get preselected. While we are trotting out our union credentials, I was a proud member—indeed, the president—of a student association and had to come here and advocate on their behalf. I absolutely have seen some fabulous volunteer paid union officials and I have also seen some terrible ones. I can remember a trip to Canada by some Melbourne uni student officials that was taken on student funds. You would not have even known they had gone when they went off on their little Whistler skiing holiday. So I think it is very, very important that we have some rigor in the system and that we make the whole system transparent and accountable.

The only people who have something to worry about are not Senator Lines, United Voice and those who are the good, decent representatives of the hardworking Australian people but those who are not. None of those opposite can stand here today and defend that kind of behaviour. It is a tragedy, because it diminishes the role of the trade union movement in our society. It diminishes the capacity of trade unions to advocate and play their role in our civil society. By not supporting a transparent and accountable system, building on the work of the previous government, they are only doing themselves and their union mates a disservice.

When we look at the appropriateness of policy development—and I have spoken briefly on that—I get very, very tired of being told that we are bashing business. We have got the balance right in this. This is a fair policy. I really would encourage Labor and the Greens to support fairness in the workplace, treating employer and employee organisations similarly.

When we look at the actual legislation before us, we can see that it is a hefty document. It has been amended, and it has been amended appropriately according to recommendations by others. But there are some key questions that we need to answer. What oversight will there be of the commission? When we are worried about the commission acting inappropriately, that will come back to the parliament. The commission will be required to report to the Minister for Employment annually on its activity. That report will be tabled in parliament. Members and senators will have an opportunity to examine and critique that work. As is common with statutory office holders, the minister will be able to give directions of a general nature to the
commissioner. They must be in writing and will also need to be tabled in parliament. This is about transparency. It is about accountability. It is about shining a light on industrial relations practice and ensuring we can have confidence but, more importantly, ensuring that the hardworking men and women of Australia can have confidence.

When we look at the types of registered organisations that we are talking about, we have the usual suspects of the trade unions but we also have AiG, VECCI, Master Builders et cetera. The Victorian farmers federation is a registered organisation. I think when the hardworking and fabulous farmers across regional Victoria, whether they be dairying down south or growing fruit in the centre, elect men and women to be their commodity chairs, to represent them to Victorian politicians and, indeed, come knocking on my door—and, I hope, on your door, Senator Urquhart—advocating for their needs and interests, they should be able to have every confidence that they are not going to be ripped off and that those people who are representing their interests are going to be held to account similarly to how company directors are held to account. That is not an unusual request and, again, I cannot believe that you are actually going there. But, then, maybe I should not be surprised.

I am a Victorian senator and I do not want to get partisan in this debate—I really do not—because this is about finding that sweet spot in a policy-setting sense, which I think we have done. But we have seen trotted out trade union hack after trade union hack after trade union hack on the opposite side to talk about this. On the Greens side, I must say, they are not trade union hacks; they are fighting for the hearts and minds of the trade union hacks, and that is a very real battle going on in the back streets and trades hall bars of every capital city across our nation at the moment.

Senator Bullock: Madam Acting Deputy President, I raise a point of order. The assertion that members on this side of the house are trade union hacks I find offensive.

The ACTING DEPUTY PRESIDENT (Senator O'Neill): Thank you very much, Senator, for your contribution. It is not a point of order. The senator may continue her remarks.

Senator McKenzie: After the recent election in my home state, when you say that you are actually not held to ransom by your preselectors and that you are not here only standing up for them but not the members they represent, I find it a little hard to believe. I wish it were otherwise, but when I look at the first order of business in my home state of the new state government, it is— (Quorum formed) They are so ashamed, and so they should be, of the newly elected CFMEU government in my home state of Victoria that they call a quorum and abuse this place before I can let the chamber know what the first order of business was for the CFMEU state government in Victoria. It was to repeal legislation that we put in place to ensure that those illegal protests, not legal protests but illegal protests, where people are actually threatened and businesses are prevented from being able to conduct themselves and employ people and grow the economy, can be asked to move on by police officers. That is the very first thing—of all the challenges facing my home state, that is the No. 1 order of business for the CFMEU Premier, Daniel Andrews, in my home state of Victoria.

Senator Ian Macdonald: What a disgrace!

Senator McKenzie: What a disgrace! So, for those who are obstructing buildings or traffic and causing people to have a reasonable fear of violence, 'No problem,' says the new
Premier, 'Bring it on. Even if it is illegal and you are threatening and intimidating people, carry on'—nothing to see here from the CFMEU Premier, Daniel Andrews, in my home state of Victoria. It is absolutely abhorrent.

So do not come in here and pretend that you are seriously advocating for the workers of Australia or that you are here on their behalf. You are not; you are here on behalf of your union masters and your preselectors, and it has always been thus and ever will be. If you were not, you would join us to support a piece of proposed legislation that puts employer and employee organisations in the same position—no discrimination; everyone gets the same deal. The left is unhappy; the right is unhappy. We have got this one right. We have consulted and amended. Do the right thing by the good people of Australia and get on board. If only you had the courage of your rhetoric, but you do not.

I made reference earlier to the Abbott government being the best friend the Australian workers ever had. At the moment we have upwards of 600 jobs a day being created. We got rid of the carbon tax, which in, say, the food-processing industry and the agricultural industries that I care about in regional Victoria had a significant impact. The AMWU knows that. They know that at SPCA and they know that at Murray Goulburn, but they do not say it. So, if you really cared about the workers of Australia, you would get on and support this legislation.

Debate interrupted.

STATEMENTS BY SENATORS

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (12:45): Order! It being 12.45, the debate is interrupted. The Senate will now proceed to senators’ statements.

Defence Procurement

Senator EDWARDS (South Australia) (12:45): I rise to speak on Australia’s vital submarine capability, the procurement process for the replacement fleet and the opportunities for Australian industry if they are able to rise to the challenge. Let me begin by speaking on important work in the defence industry more generally. Such a discussion cannot occur without acknowledging Labor’s terrible record in the space. Labor’s neglect in government extended to national defence, including the strategically important submarine capability. On Labor’s watch, $16 billion was cut from defence. Defence spending was cut to 1.56 per cent of GDP—its lowest level since 1938. Labor made the largest single cut to the defence budget since the end of the Korean War—they cut it by 10.5 per cent. On Labor’s watch the Australian defence industry shed more than 10 per cent of its workforce because of budget cuts and deferrals. As a result of Labor’s disregard for defence funding, 119 projects were delayed, 43 projects were reduced in size and eight were cancelled altogether. That is what we, the coalition government, inherited. We were promised an updated defence capability plan, but it never eventuated. Such was the mess in this portfolio that Labor never even bothered to produce a defence policy leading up to the election. They simply gave up.

I remind senators that defence is every government’s first responsibility. Mr Shorten and Senator Conroy consistently avoid answering questions on why Labor failed to act to ensure there was no capability gap in replacing the Navy’s replenishment ships. Mr Shorten claims that if the Labor Party was in government now these ships would be built in Australia. The Labor Party had six years to make that decision and did nothing. The reality is that Labor
needed to make decisions two years ago to avoid job losses in the shipbuilding industry. The Senate inquiry into shipbuilding was told that Defence was ready to begin the replacements for these ships four years ago, but it appears the Labor government was not. Labor's plans were bankrupt even before they began. They were good at making promises but totally incapable of delivering on their promises. Labor's legacy of mismanagement means Defence now faces a deficit of $12 billion on current plans over the next decade. As a result, Labor left Defence $30 billion short of being able to achieve the objectives outlined in the former government's fanciful 2009 white paper, rendering it a work of fiction.

For contrast, I will give the coalition's defence story since taking government 18 months ago. In 2014 there was almost $1 billion worth of defence procurement and sustainment work being undertaken in South Australia. That includes 44 separate acquisition projects such as the work on the Air Warfare Destroyer program, the support and upgrade of the RAAF's P3 Orion aircraft fleet and the upgrades to the ANZAC class frigates and the Army's communications systems. South Australia is also home to 58 separate sustainment programs, including the sustainment of the Collins class submarine and the Jindalee over-the-horizon radar network.

The government has a plan for the future of shipbuilding in Australia. We are implementing a reform strategy for the Air Warfare Destroyer project, which was running more than two years late and $600 million over budget under Labor. In early June, the government committed $78.2 million to accelerate design work on future frigates, to keep alive the option of building future frigates in Australia.

Over the next four years, subject to the outcome of the defence white paper, there will be up to $4.2 billion in defence spending for building and sustaining defence materiel in South Australia. I will say that again: $4.2 billion in defence spending for building and sustaining defence materiel in South Australia. Senator Johnston must be commended for such a substantial contribution to the defence portfolio.

Since October 2014, just several months ago, I have been expressing the view that the Future Submarine procurement process should allow for the involvement of qualified Australian companies who can compete for the opportunity on merit. I took this view after hearing expert witness testimony at the Senate Economics References Committee naval shipbuilding inquiry, which persuaded me of two things: that there is merit in a non-targeted approach to selecting a build partner for the Future Submarine project and that the Adelaide based Australian Submarine Corporation is likely to be competitive in a merit based selection process. In any decisions surrounding the acquisition of the future submarine fleet, defence interests must come first. Responsible expenditure of such a large amount of money is also very important.

The Prime Minister recently made the assurance that qualified Australian companies can compete on merit to participate in the development of Australia's Future Submarine project. This is wonderful news for South Australian shipbuilders, indeed for the Australian shipbuilding industry and its members. Minister for Defence Kevin Andrews, accompanied by South Australian coalition MPs and senators, visited ASC in Adelaide yesterday to confirm this message: the acquisition of replacement submarines will be based on a competitive evaluation process, managed by the Department of Defence. This process will take into account Australia's unique capability requirements, as well as considerations such as
cost, schedule, technical risk and value for money. Most important to me is the fact that any Australian company that can credibly meet criteria like capability, cost, schedule, technical risk and value for money can compete on merit, as can potential international partners.

To avoid the confusion and doubt that has infected some in this place—I do not mind what you call the process because such specific terminology was never important to the assurance I sought. The assurance I sought was very simple: I asked for Australian companies like the ASC to have the right to compete for the Future Submarines project on merit. That is the very assurance I got; and that is the very assurance that stands today. Navy's needs will always come first. The government's responsibility for responsible expenditure of taxpayers' money will always be taken seriously by this coalition government. And I am delighted to say Australian shipbuilders have the opportunity to put their hat in the ring. From this point on—from this day forward—the ball is in their court.

Health Care

Senator LINES (Western Australia) (12:54): I rise today to try to shed some light on the healthcare disaster that the government has brought upon itself. We had commitments from Mr Abbott when he was in opposition that there would be no changes to health and no cuts to Medicare. We have had commitments more recently that the Prime Minister is listening and we have had an acknowledgement that his government since 2013 has been bad. But what we have seen on Medicare and the treatment of patients and GPs is a disgrace. It is not only disgraceful, but it is nothing short of an absolute disaster. There has been no consultation whatsoever from the government in suddenly announcing a new tax.

This was supposed to be a government of no surprises or no new taxes, but it suddenly announced a new tax on every single Australian every time they visit a doctor. Then we saw a backflip on that and then two days before Christmas we saw a direct attack on GPs themselves—again without any consultation. Then the minister was dumped and a new minister installed—she was hauled off a cruise, though I am not quite sure whether she was actually on the ship and had to be helicoptered off. The PM was so afraid of what had happened, he could not front the Australian community himself; he pulled his Minister for Health off the ship she was boarding for her holiday so she could stand before the Australian people to admit that they had made a mistake. That really was the beginning of the end for the Abbott government—they have gone too far and Australians have had enough.

What is happening now? In this place yesterday we heard the assistant health minister tell us that she was listening. Well, Madam Acting Deputy President, I am sure that you, like me and like the Abbott government, have had hundreds of emails from GPs. I know that I have received a copy of every email that a coalition senator from Western Australia has received; I know that they have received exactly the same concerns from general practitioners that I have received. I can assure the Senate today that I have responded to every single one of those GPs, letting them know that Labor is with them—that we absolutely oppose what the Abbott government is trying to do to our health system. I doubt they have had the same assurances from the Abbott government.

It does seem a little strange that Minister Ley and the assistant minister have pledged to listen. They simply need to ask their backbenchers and their ministers to give them copies of the letters they have received from GPs. I have received exactly the same letters, because I was copied into them. It seems to me that the rot has well and truly started in the Abbott
government with the mess it is making of our health system. Indeed, one of its own, Mr Laming, a former GP, has come out and criticised his own government for what it was seeking to do with Medicare through its ridiculous GP tax and its ridiculous attempt to reduce the Medicare rebate for doctors. Mr Laming said that what the Abbott government should be doing is rewarding, and not punishing, high-performing doctors. He saw the Abbott government, of which he is a member, as punishing doctors.

It seems to me that it does not matter what sort of worker you are, you are in the sights of the Abbott government. Whether you are a GP, a shipbuilder, a cleaner here at Parliament House, an aged care worker, an early-childhood educator, someone who works penalty rates or someone who exists on the minimum wage, the Abbott government is determined to reduce your wage or to put you out of business altogether—like those GPs who told me and the Abbott government that their surgeries would close. Let me give the Senate a flavour of some of the emails I have received—the same emails that were sent to the Abbott government. I was very impressed by the fact that many of the GPs who wrote to me had been GPs for more than 25 years. Imagine: GPs who had never taken political action before, after 25, 30 or 35 years got really angry at what was being suggested, and started writing to all of the political parties—because they know the Abbott government is a bad government, despite what its current leader says. This is one:

I am very concerned that the co-payment is still being considered by this government. As a GP with over 30 years medical experience, I already see the difficulties my elderly, chronically ill, and disadvantaged patients face. To add an additional impost affecting their GP visits and any additional pathology or imaging requirements is both unfair, unjust and untenable. My patients are already worried about what will happen. Chasing bad debts—which is what the co-payment will amount to—will harm general practices as well.

From another GP—and the Western Australian Abbott government senators opposite have received this email—

Together with all other GPs in Australia—

quite contrary to what we heard from Senator Nash yesterday—

I was never consulted about a co-payment. It has been disastrously introduced, never seriously considered; clearly another botched government 'initiative'. Is the electorate not being taken seriously by this wanton government? Patients and doctors are offended such a combination of arrogance and ignorance.

And from another email which was also sent to Abbott government MPs:

It appears the government really has not much idea what happens at grassroots GP level.

And the last one—and there were quite a number of these—

After a lifetime of voting for the Liberal party, I will never trust them with my vote again.

And hence, we get back to that mistrust. As I have been at pains to point out, these were emails which were sent to the Abbott government; and I was cc'd into them.

I am not sure if the threat about not voting Liberal has seized their attention, or whether it was the threat that Labor would disallow the harsh, cruel measures that they intended to pursue in Medicare in this place but, suddenly, two days before Christmas, they were listening. They should have been listening when they received all of those hundreds of GP emails. Something has to be a little wrong when you suddenly get hundreds of GP emails.
What impressed me about those emails—and they were from rural and regional GPs; from GPs in a single-doctor practice and GPs in large practices and medium-sized practices; from GPs working with Aboriginal groups and GPs who service the aged-care sector—is that patient care was paramount. Their patients came first. That is what impressed me. They were not all the same email—and I am sure, if the Abbott government wants to be truthful about the numbers of emails it has received from GPs, the government would say that too. The emails were not carbon copies; they were GPs telling their own stories. And what has happened? They have fallen on deaf ears. I have not heard one Abbott government member—except Mr Laming—who has been brave enough to actually admit that what the government wants to do on Medicare is wrong. Susan Ley, in her own words, has said, 'we are listening'. When? When are they listening? They have hundreds of emails already that they could be reading and listening to. But she is still intent on changes. You cannot listen on the one hand and then say on the other, 'but we are going to go ahead with these changes'. What is she going to say—'Oh yes, we consulted; however, we are still doing this'.

A GP tax will not be tolerated by the Australian community. A new election to get rid of this government cannot come soon enough. It does not matter who the leader is, whether it is Mr Turnbull or not; whether Mr Hockey gets dumped as the Treasurer. They have bad policies and they have demonstrated over and over again that they are incapable of listening. They do not want to change. They have a right-wing ideology.

**Health Care**

**Abbott Government**

*Senator DI NATALE (Victoria) (13:04):* I rise today to discuss the future of Australia's healthcare system and, indeed, the very future of our nation. I want to start by reflecting on the turmoil of the past few days. It was only a little while ago that we had a government that promised that it would be grown up, that it would be transparent, that it would be accountable; that it would not deliver any surprises. And I have to hand it to them because they have managed to achieve, in a year and a half, what it took the Labor Party three years to achieve—they have a government that is chaotic, it is dysfunctional, it is divided, and it is confused. I keep hearing excuses from the coalition: they blame the 24-hour news cycle—it is too hard to get a message out; we hear about the 'corrosive influence' of social media, something the Prime Minister I think calls 'electronic graffiti'; we hear about the mess of the last government. The Prime Minister went as far as to say: 'It is not my fault; it is the Australian people's fault.' In Victoria, he said that the defeat of that government occurred because of 'a fit of absent-mindedness'. 'It is not my fault. It is the Australian community that got it wrong.' Well, Madam Acting Deputy President, I have to tell you that the people in Victoria—indeed, the people of Australia—know exactly what they want. There is nothing absent-minded about it. They are very clear about how they feel about this government.

It is time to stop making excuses. It is time to start taking responsibility for the fiasco that is the Abbott government. The Prime Minister could have done it last week in that landmark speech to the Press Club. Instead, what did he do? He went into his bag of tricks: fearmongering on terrorism and foreigners. He is a one-trick pony. Exploiting fear does not work forever. You can run around the country with your billboards, talking about boat arrivals; you can run around with your fluoro vests and your hard hats, talking about the impact of carbon-pollution pricing on the community—it does not work forever. The Chicken
Little routine does not work forever. And do you know what? Even worse than that, on those things that they campaigned so hard on, the tide is turning. The Prime Minister must have realised, when he was embarrassed at the G20, that the show was over. Here are a few tips: start being honest. Be up-front. Be straight with people. Keep your spin for the cricket pitch! Don't promise one thing in opposition and another thing in government. The Prime Minister thinks his only job is to fight the Labor Party. He is the Prime Minister—he should start acting like it! He is not in the boxing ring at Oxford any more. That style of adversarial, negative, oppositional politics—people hate it. I hate it. We are sick of it.

Your approach to health epitomises everything that is wrong with this government. At the heart of this government is a lack of integrity. They promised 'no cuts to health care', but their first budget had a GP co-payment and a freeze on Medicare rebates—decimating and dismantling Medicare and making it harder for people to go and see a doctor. What really grates is that you spent years berating the previous government for what you are doing now. But the broken promise is not the worst of it; the policy itself is an absolute stinker. It is based on a lie, and it will not work. Government keeps talking about how unsustainable Medicare is, that we cannot afford it. What rubbish! We have a great health system—it is affordable and it is sustainable. Don't let the facts get in the way of a good story, though! We spend less on health than the OECD average. We spend about 9.1 per cent, by most recent estimates. The average is 9.3 per cent. Look at the most recent report from the Australian Institute of Health and Welfare—health expenditure is growing at its lowest level since records began 30 years ago. Why does it work so well? Why have we got such a great health system? Because Medicare is a break on prices. It does not mean private health insurers set prices. It does not mean doctors set the price. Government sets the price, and it is a brake on health inflation. And you guys want to dismantle it. Talk about economic vandalism!

But why do you do it? You are a government that is dominated by ideologues, and you put your own ideology ahead of evidence. This stuff might have read well in some 1960s free-market textbook, but it does not work in health care. Look at the model you aspire to, the US. They spend 17 per cent of their GDP on health care, and what do they get for it? They get a two-tiered system. What is the biggest cause of bankruptcy in the US? Not being able to afford to pay your medical bills. They get worse health care and they pay more for it—and you want to take us there! You want to make it harder for people to see a doctor, you want to shift costs on to emergency departments, and you want to do it to those people who can least afford it. What a tragedy it is that, on Closing the Gap Day, some of the communities that will be worst affected are those Aboriginal people right around the country who are trying to access health care.

I hear these stories that millionaires should pay for their health care. Well, guess what? They do. It is called 'progressive taxation'—they pay more into the system and they are just as entitled to be bulk-billed as anybody else is. It is an efficient system—stop trying to dismantle it! And then I hear the Prime Minister talk about being the best friend that Medicare has ever had. It is a reflection of a man who is so isolated that his best friend right now is a government institution. That says it all. Perhaps even worse for a government that prides itself on competence is that not only did you lie about the policy, not only is it a bad policy, but you cannot even get it right. We are up to version 3. We had version 1. We had version 2 over the summer. Version 3 has been announced by the Prime Minister and we are going to be up to
version 4 soon. This is not a health policy; these are a series of thought bubbles dreamed up by a bunch of blokes smoking cigars and drinking Grange. That is what they are.

What do we do from here? There is an opportunity for the Prime Minister right now if he wants to salvage his leadership. He has got to press the 'reset' button and ditch these reforms. He says he is going to listen. Well, guess what? There is a wealth of information out there. There are inquiries, there are reports, there are recommendations. There is a Senate committee talking to experts and looking into what other reforms will improve an already terrific health system. That is going on right now. Let's look at addressing the cost shifting that goes on between state and federal governments rather than making it worse—which is what this plan does. Let's look at reforms around the private health insurance industry and stop this massively inequitable, unfair and ineffective redistribution that is going on right now in the health system. Let's get primary care working better. Let's complement fee-for-service by paying doctors for achieving good outcomes. We can do that. This is a conversation that the AMA, the medical community in general, are up for. Let's start closing not the gap but the chasm that exists between Indigenous people and non-Indigenous people. Today we have heard that we are not doing enough to get that right. Let's start looking after people in the community and providing the supports and structures that mean simple things do not end up in a hospital where it costs us all more. Let's reduce some of the wasteful spending that currently occurs in the health system.

These are all positive reforms. Our door is open. Come and talk to us. Talk to the experts. At the very least, you would think that a government with a bunch of crossbenchers in the Senate would pick up the phone and ask, 'Is there anything we can agree on?' Well, guess what? Not one phone call. Not one approach from the previous health minister. I hope things will be different under the new health minister. I am not optimistic, though. The government is now on borrowed time. The Prime Minister has his last chance. He can start listening to the Australian community—he can listen to doctors, to experts—and he can start doing the things in health care that will take us forward, not backwards. If he does not do that, it will be either his own colleagues or the Australian community who make the decision for him.

**Abbott Government**

*Senator POLLEY (Tasmania) (13:13):* What a week it has been! The Australian people were not shocked at all when they heard from the Prime Minister's lips on Monday that 'good government starts today'—520 days after taking office, and we are still waiting. I can assure the Prime Minister today that the Australian people are in agreement that every day of your prime ministership has been bad government. The Prime Minister's days may be numbered, but I have been saying all week that the Liberal Party may take Tony Abbott out of the Lodge but you cannot take unfair policies out of the Liberal Party.

Whether the Leader of the Liberal government is Malcolm Turnbull or Julie Bishop, it is still the same dysfunctional government. It does not matter who leads this government, because they all voted for the unfair budget and the attacks made on the unemployed, older Australians and pensioners and because of all their broken promises. The Prime Minister promised the Australian people a stable, mature and adult government, but he delivered exactly the opposite. How can the Australian people trust a government that said it would not cut education spending? How can the people trust a government that said it would not introduce any taxes? Yet it has done just that.
Australians know this government is not working for them. They know that this government cannot be trusted because it is a government built on lies. Tony Abbott promised the Australian people so much. He promised stable government, but the Liberal government's disunity and chaos make this commitment by Tony Abbott his biggest lie yet. Yesterday, respected former Premier of Tasmania, Tony Rundle, said that the leadership spill on Monday was amateur hour from a government that is in trouble. Mr Rundle, I actually agree with you. He went on to say:

Abbott is a fighter and survivor but he's swimming against an ebb tide that may be too strong for even his iron man skills.

The Australian people know too well the record of this heartless and arrogant government. The evidence was the proposed GP tax, $100,000 university degrees, cuts to pensions, $80 billion of cuts to schools and hospitals, a petrol tax, and cuts to the homeless and domestic violence prevention services. The Liberals' unfair budget and their broken promises are hurting Australian families to the tune of $6,000 a year, and not one member opposite will acknowledge just how unfair their budget was. The finance minister, Senator Cormann, said on Insiders on Sunday that not one member of the Liberal Party believes any aspect of the budget is unfair. That shows how deluded and out of touch they really are.

Take the government's attack on Medicare. Let's be honest: it is in their DNA to destroy Medicare. They have a record of tearing up good public policy. Even the AMA and GPs across the country have slammed their proposed new tax on doctor's visits. But we have to give them credit: this is a government that has energised the GPs in this country to mount a campaign. That is how concerned GPs were about this heartless and out of touch, arrogant government. This Liberal government fails to understand that the Australian people want a government that supports their community, that cares for the people and invests in people and jobs. Australians do not want a government that leaves people behind.

In my home state of Tasmania, Liberal member for Bass, Andrew Nikolic, has supported every single harsh measure handed down in this budget. In the last two weeks alone during the ongoing leadership instability and chaos of this Liberal government, he spent his time leaking stories to the media which have revealed him to have been begging his colleagues to stay united. Instead of working for the people of Bass, Andrew Nikolic has been feeding the Liberal instability. The saddest aspect of Mr Nikolic's contribution to his community is the fact that he has stood by while his own government has delivered harmful policies to the people of Bass. Where was Mr Nikolic when the government closed the Launceston tax office and cut 20 jobs? He could not be found.

Why isn't Mr Nikolic standing up for the people of Bass and for the great state of Tasmania? He has sat back while the University of Tasmania has contemplated raising student fees, slashing courses and abandoning research. Mr Nikolic has stayed silent. Tasmania has said 'no' to the government's attacks on the universities, attacks that Mr Nikolic is supporting. Where was he when the communications minister, Malcolm Turnbull, pulled the plug on local businesses and households receiving world-class broadband? Where was Mr Nikolic when the government decided to cut funding to homeless and drug addiction services at Anglicare, Colony 47, UnitingCare and Mission Australia in my state? Where was Mr Nikolic when Tony Abbott vowed to close the National Joblink? Where was Mr Nikolic when Tony Abbott came to Tasmania and told young Tasmanians to leave the state if they could not
find a job? He was silent. Obviously, he was in total agreement with this arrogant and out of touch Prime Minister. No wonder the knives are out for him.

Where was Mr Nikolic when the country was debating a fairer pay deal for the armed forces? He remained silent. At every event in his community he is espousing his great record within the Defence Force, but he failed to stand up for those men and women. Where was Mr Nikolic when the government handed down a budget which took away pension concessions and changed the indexation of the pension so that pensioners received less support to deal with the costs of living? He continually attacks me in the local media, saying that I am lying and misleading the community, but we know, and so do Australian pensioners know, what they did. If it were not for the state Liberal Party coming in to do a patchwork to try and help Tasmanian pensioners, they would be in even worse dire straits.

Mr Nikolic has stood silent while this government has continued to hurt the people of Tasmania. Although Mr Nikolic has obviously been out there supporting the Prime Minister in their chaos and disunity this week, he also has stood up in his community and said that he supported the Prime Minister giving a knighthood to the British Royal Family. That is how arrogant and out of touch Mr Nikolic is. We also know that he is obsessed with anyone in our community that challenges his view and expresses a different view about this unfair budget that they brought down. He has been unrelenting in his personal attacks and putting pressure on people who dare to critique this budget. One example was that, as we know, there was a Facebook page where people were expressing their views about his performance, and what did he do? He threatened those individuals that he would go to their employers and complain. That is what he did. What is even worse than that is that now he has actually done that to a constituent, a well-respected member of our community, Dr Michael Powell, who is a well-respected lecturer at the University of Tasmania. He dared to write letters to both the North Eastern Advertiser and the local newspaper in Launceston to question Mr Nikolic on what this government has been doing. So what did our federal member do? He went and tattle-tattled to the Vice-Chancellor of the University of Tasmania. What was he expecting the vice-chancellor to do? Slap him on the wrist and say, 'Naughty boy; stop writing letters and challenging the federal member for Bass'? How outrageous. He also grapples with the concept that three decades ago—that is 30 years ago—this particular gentleman ran for the Labor Party in the state election. Oh, my goodness! He is not allowed to challenge the unchallengeable member for Bass! How outrageous. What a glass jaw this member has.

But it is even worse than that. Mr Nikolic has been challenged to debate Dr Powell in any public forum anywhere in the electorate. But, no, he is not prepared to do that because he knows the policies the government are bringing down through their budget, even though they are backflipping and doing whatever it takes to get some of their budget through this place, are unfair. He will not turn up to a public debate, because he knows he does not have a leg to stand on, and so do the people of Bass.

Further, Mr Nikolic is out there every other day claiming credit for what the former Labor government did and what the former member for Bass, Geoff Lyons, a hardworking member who actually contributed to his government, did. Mr Nikolic went up to the DSTO in Scottsdale. Once again, it was former Labor minister Snowdon and Geoff Lyons who brought that redevelopment funding to Scottsdale. And on he goes.
Today, Mr Nikolic showed his lack of respect for the people in this country when he walked out while the Leader of the Opposition was giving his speech on Closing the Gap, following the Prime Minister's and by all accounts paying him credit—(Time expired)

Child Care

Senator CANAVAN (Queensland) (13:24): I want to talk today about tax policy and families. In the last few months, the Prime Minister has indicated that the government will focus on developing a policy for a fairer go for families in 2015, and I welcome that focus because one of our core objectives should always be to support families and make it as easy as possible for people to have kids. I know—and I presume a lot of others would be in the same boat—that having children is the best thing that ever happened to me. The more barriers we can remove to people having children, the better, I think. One of those barriers at the moment is of course the cost of child care and there should, rightly, be a strong focus on that. Childcare fees, as most in this chamber would know, have risen considerably in the last few years. In The Australian on the weekend, there was a big write-up about childcare fees, and apparently they have risen by around 50 per cent since 2007. So it is a substantial increase and a large barrier for many families to having more children.

I do note that, despite those costs, we already spend $7 billion a year to help families access early childhood education or child care in the preschool years of children's lives. In a recent draft report, the Productivity Commission did make some recommendations to adjust or change that system; but, even with their adjustments, which according to the PC would cost about an additional billion dollars a year, it would only encourage an additional 47,000 mothers or fathers to enter the workforce. In other words, it would cost us around $20,000 per extra person in a job. In my view, such a high cost would be wasteful if the objective were solely to encourage more women or men into the workforce. Of course, funding for child care and early childhood education have broader objectives as well, and additional funding may be merited if we want to particularly focus on that early childhood education element.

But today I mainly want to talk about another form of child care, a form of child care that is often ignored, and that is the child care provided by stay-at-home parents. While childcare costs, as we know, are increasing, few recognise the fact that stay-at-home parenting is the most costly form of child care. It is a burden when two-income families today must pay 60 per cent or even more of their second incomes to put their child in child care, and I recognise that. But, by definition, a single-income family gives up 100 per cent of their second income to stay at home to look after their child.

Our tax system does not recognise these costs—or not as much as other countries do. Unlike many other developed countries, our tax system provides little recognition of the higher tax rates paid by single-income families. Currently, half of all OECD countries treat spouses separately for tax purposes or have joint taxation or some joint elements that provide tax relief and tax credits that are transferable between partners. We do not in our system, not at all. In our tax system, single-income families are the heavy lifters, because a disproportionate burden falls on them.

A single-income household with two kids, with an income of $120,000 from the one earner, pays tax of $34,700 currently. In contrast, a double-income household where each parent is earning $60,000 pays tax of $24,200 a year in our tax system. That is a difference of $10,500 per year, every year, between a single-income family and a double-income family.
These two families have the same number of kids, the same household income and essentially the same cost-of-living pressures, yet the single-income family contributes $10,500 more every year to fund government services. The disparity carries right through all income levels. With a household income of $100,000, a single-income family pays $26,900 in tax, while a dual-income family pays only $17,000. With an income of $80,000, a single-income family pays $19,100 in tax—these are all with two children—whereas a dual-income family pays just $9,800 in tax. That is unfair. That is unfair because it breaches a basic tenet of horizontal equity which all tax systems should aspire to, and that basic principle is that people in similar circumstances should pay similar rates of tax. The two families I have mentioned here are in very similar circumstances but pay vastly different rates of tax. In my view, a fairer families policy needs to at least respond to this inequity. I have mentioned some of these figures before in the Senate but I wanted to restate them because the government is developing this policy.

I want to mention something additional, though, today, because I think another consideration in the development of that policy is that things have got worse for single-income families in the past few years rather than better. And when you think about those disparities in tax that I mentioned earlier, one of the key reasons for those disparities is the fact that a single-income family has access to just one tax-free threshold whereas a double-income family gets access to two tax-free thresholds, by merit of two people working. Until a few years ago, Australia had a tax-free threshold of only $6,000, so the disparity in that regard was not all that great. But a few years ago, when the former Labor government introduced the carbon tax, they increased the tax-free threshold substantially. It went up from $6,000 to $18,200, and in July this year it will rise again, to $19,400. The new government has kept those thresholds that high. That means that by the next financial year a double-income family can earn $38,400 a year before they pay any tax, whereas a single-income family will start paying tax after earning just $19,400.

This change has widened the gap between double-income and single-income families. And you can actually quantify that, because if we instead apply the old tax scales we had before 2012, before the carbon tax to people's income today—and I use that $120,000 family that I used initially—then the gap between the single-income family and the dual-income family would be $1,300 less. So, changing these thresholds, increasing them, is a move that this government supports. It has made the disparity between single-income and dual-income families $1,300 a year higher in the case of the $120,000 family. And of course that goes through all the income scales I mentioned before, and it is about $1,000 difference for most families by increasing the tax-free threshold.

And I think we should deal with this disparity, not make it worse. On this side of the chamber, we are the party of choice. We want people to be able to make their own choices in life about how they want to have a go in life. We want to support people who want to have a go, who want to have a family and start a business, who want to go out and develop new skills and go into new industry. We should promote that choice, not discriminate against it. But at the moment our tax system does discriminate against families who want to make the choice of stay-at-home parenting. And I do want to ask the question: what exactly is wrong with choosing to stay at home and look after your own children? To me, it is the most important job anyone can do, to look after their own children and have them develop. I do not spend
enough time with my children—I recognise that—but I am lucky to have a wife who is happy to stay home and spend time with them. Regardless of what we do in our own lives, it is the most important thing we can do. Stay-at-home parenting does not necessarily reduce the amount of work done in the economy, either. That is often a basic error, because while more child care and more paid work lifts GDP, it does not necessarily change the amount of work done. Particularly if people just employ nannies, it just changes the mix of work, and whether it is paid or unpaid. A basic problem with economics is that GDP does not measure all the things that go on in our economy, but sometimes in this place we focus on it far too much.

There is also ample evidence that stay-at-home parenting improves child development outcomes, and the Productivity Commission mentioned those considerably in its paid parental leave report. And we spend billions of dollars on schools every year, sometimes on things that do not have a lot of evidence at all, particularly IT at schools. But we do not seem to want to spend any money on something that has clear evidence, and that is that stay-at-home parenting does deliver benefits.

But even with all the discrimination I have mentioned today, even with the tax system being so far against single-income families, there is still the fact that a third of families with children today rely on just one income, and more than 40 per cent of families rely on one person for more than 90 per cent of their income. We cannot have a fair families policy if we ignore a full 40 per cent of families and the inequitable burden that is currently placed on them. (Time expired)

National Capital

Senator LUNDY (Australian Capital Territory) (13:34): As I near the end of my time in this place I recognise more than ever before just how lucky I have been to be nearly 19 years a senator for the Australian Capital Territory—lucky because I have never had to be at work too far away from my family and friends, and I empathise deeply with my colleagues who find themselves travelling vast distances to be here every sitting week. But I am also lucky because I am privileged to live in such a beautiful city. You only need to look out of the outer-corridor windows in this building to see the most beautiful surroundings and take in that breathtaking view across the lake and towards the mountains. In fact, wherever you look here in Canberra you cannot help but soak in the splendour of what it is to live in the 'bush capital'.

Again, I have had many opportunities to interact with those of our community who are passionate about our natural environment, be it flora or fauna, over many years now, and I certainly feel it, live it and breathe it as I continue to choose to live my life here in this beautiful city.

Any Canberran who takes the opportunity to explore the hills around this city is greeted every time by a unique and special view. From Mount Ainslie, for example—which happens to be my favourite summit—what is laid out before you is the wonder of the Griffins' visionary plan of a century ago. You only need to turn your eyes south to see, right there in front of you, Marion Mahony Griffin's extraordinary satellite snapshot of what Australia's national capital might become, based on her husband, Walter's, ideas. These ideas were magically formed—and I say 'magically' because they did it without actually coming to Australia, in a very grey and chilly Chicago suburb in the winter of 1911 and 1912.

The Griffins, of course, should not get all the credit for what we see here in 2015 in our national capital. In fact, it was Prime Minister Robert Menzies who made a crucial
intervention in our capital city's grand narrative through the 1950s when he provided the necessary funding and patronage. Decades earlier, John Christian Watson, Labor's first Prime Minister, also made a significant contribution to Canberra. And like so many of the stories of early Canberra, Watson's is nearly lost, but has been reinvigorated through the course of the National Capital Centenary. And I would like to just reflect on it a little. It was a tricky and contested time when the nation's capital might have been marooned forever in Melbourne or relegated to some other, less elegant location in New South Wales. But it was Chris Watson who visited the Monaro region in 1906. He stood, it seems, right on top of Mount Ainslie and allowed himself to dream an identifiably Australian dream. And he spoke about it later:

There is a plain in the centre, and foothills all round, varying the general appearance of the country; and beyond that, after further rolling foothills, we have, on the south-west and south, the Murrumbidgee mountains, towering as a background and proving a most effective foil to the other scenery ... In the vicinity there are mountain gorges, which afford every diversity of scenery ... full of beauty and within a short distance of the suggested [capital] site. I do not say that picturesqueness alone should decide the question; but, other things being equal, I think that the beautiful ought to turn the scale.

Watson, like so many to follow him, was in an elevated mood—so too the Griffins, without even seeing the place.

As I mentioned, Walter Burley Griffin had his own dream: a democratic dream for a country that he had grown to admire for what he called its 'most democratic tendencies'. Griffin wanted to give Australians a capital to suit their egalitarian character. I have quoted his memorable words in this place previously, and I would like to again:

I have planned a city that is not like any other in the world. I have planned it not in a way that I expected any government authorities in the world would accept. I have planned an ideal city—a city that meets my ideal of the city of the future.

I think that this is the stuff of inspiration, and there is no doubt that many since have found similar sustenance when applying themselves to the Canberra project. When Aldo Giurgola, one of this city's most treasured citizens, began to design this Parliament House—surely destined to be World Heritage listed in the coming years—he said that he constantly felt the illuminating presence of the Griffins on his shoulder as he sketched preliminary plans in his New York office in the late 1970s.

It is troubling that many of our representatives and leaders have somehow—and I do not know how—formed a somewhat negative view of this city. There were recent comments about the location of Australia Day celebrations by the Northern Territory Chief Minister, Mr Adam Giles, where he referred to Canberra as a city of 'just beige buildings'—a very naive view of someone who has obviously not spent any time to take in the natural beauty of the nation's capital or to appreciate the substance of its plan and surrounds.

I am well known for criticising previous Prime Minister John Howard for refusing to make the capital his home. I believed at the time that it showed a great disdain for the status of the national capital. Former Prime Ministers Mr Malcolm Fraser and Mr Paul Keating have also, in a more recent public appearance, expressed a mutual dislike of Canberra, suggesting that the capital should have been in Melbourne or Sydney. I love both Melbourne and Sydney; it is true. I was born in Sydney, and I have grown to love Melbourne very much. So it is pitiful that people find it necessary to reflect on the national capital in a negative way, somehow comparing it to two extremely large and very successful state capitals who form integrated
parts of our economy and are, of course, esteemed capitals of their respective states. A like for a city does not diminish the role or status of the national capital in any way; in fact, in many ways it underscores the uniqueness and importance of this place.

I would argue that these narrow views not only ignore the genuine beauty of the capital but show an ignorance concerning our national capital’s foundation story—in point of fact, a story rich with a set of international connections embracing the best of what humankind was thinking one hundred years ago. Many of the people who inspired the then fledgling Labor Party in the Federation era were the very same people who inspired Canberra to be conceived as an ideal capital.

I chaired a joint standing committee inquiry into the role of Australia’s national capital in 2008, entitled The way forward. I wrote in that foreword:

The challenge for all Australians is to ensure that Canberra as our national capital continues to be planned with the high ideals first articulated by the Griffins.

In the seven years that have passed since then, I believe it is fair to say that this challenge has become even more pressing and ever more urgent. We have had two more inquiries since then: one chaired by Senator Louise Pratt, entitled Etched in stone? Inquiry into the administration of the National Memorials Ordinance 1928; and the other, overseen by Dr Allan Hawke, entitled Canberra a capital place: Report of the independent review of the National Capital Authority. All three of these enquiries produced a raft of sensible and well-researched recommendations for Canberra during the 21st century, and yet few of these bipartisan recommendations have been implemented, partly because of the leadership volatility that has engulfed parties in recent years, but also because of the prevalent belief that nothing is worth spending taxpayer dollars on that is not cost neutral or moneymaking. I think that, if you value the role of the national capital in the context of the part that it plays in our collective Australian story, it is important to make the investment in the national capital to ensure that all Australians have the opportunity to feel that they are part of it.

Canberra is in essence a public asset. It demands our careful attention. Our national capital is too precious to be marginalised and subject to a hundred lazy and ill-informed cuts. It is not good enough to have only the national cultural institutions, along with the National Capital Authority, doing the hard yards developing the cultural fabric of our capital city. They find themselves often friendless, cash-strapped and forgotten. The load must be shared, and proudly showcased by the Australian people through the vehicle of the appropriate federal government department and with financial support.

There are many things about Canberra that I love. One of the most important is that it is our national capital. I am here on behalf of the people of the ACT, and Canberra is here on behalf of all Australians.

Smoke Alarms

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (13:44): Today I am speaking about a matter of national importance and an issue which affects every Australian: the issue of smoke alarms, also referred to as smoke detectors. Smoke alarms are one of the most important health and safety devices in this country. Every household across Australia should have smoke alarms installed, and they should be fully functioning and regularly tested. Despite this, every year, Australians die in household fires or
are severely injured as a result of fire related burns or smoke inhalation. The sad truth is these deaths are preventable and would be prevented if every household across Australia had photoelectric smoke alarms installed instead of ionisation smoke alarms.

What most people do not realise is that smoke detectors come in two main types: ionisation and photoelectric. In lay terms, ionisation smoke alarms detect fire, and photoelectric smoke alarms detect smoke and smouldering activity. To give you an example, photoelectric alarms go off when a certain amount or level of smoke is detected in the air. Typically they will activate when smoke obscuration is between three and 20 per cent per metre. Twenty per cent per metre is considered the maximum save level of smoke. Therefore, a photoelectric alarm certified to this standard can be expected to give early warning of a smoky or smouldering fire. Ionisation alarms, however, are not based on smoke obscuration; they are based on measuring the level of small particles typically given off in a fast-flaming fire.

If I were to go to the shops or my local hardware store, I would find that the most common type of smoke alarm available for purchase is the ionisation smoke alarm, and it would probably be the cheapest, so it is no wonder that many households across Australia have ionisation smoke alarms installed. They are the most common and the cheapest. Unfortunately, the cheapest is not always the best; and, based on the view of many, ionisation smoke alarms should not be available for purchase or installation in Australia at all. They should be prohibited. But that is something I will talk more about in a moment.

What I would like to do first is explain how the two different types of smoke alarms operate in practice—that is, in the case of a fire. I will use my wonderful next-door neighbour in Brisbane, Gary, as an example. Gary is safety oriented and has installed photoelectric smoke alarms throughout his home. One night while Gary and his family were sleeping an electrical fault in a small bar fridge started to smoulder and eventually developed into a full-scale raging fire. The photoelectric smoke alarms in his home would detect the smoke activity before the fire took hold and activate, which in turn would wake Gary and his family, giving them time to escape the home. As a result of having photoelectric smoke alarms installed in his home, Gary and his family would survive the fire. It is estimated that, on average, a photoelectric smoke alarm can provide up to 30 minutes warning before a fire takes hold and envelops a home.

What would have happened if Gary did not have photoelectric smoke alarms and instead had ionisation alarms as many Australian households do? During the night, while Gary and his family were sleeping, a fire would have broken out in his home. The fire would have produced toxic smoke and fumes, which would have filled the home and would have been inhaled by everyone sleeping. Due to the toxic nature of the smoke and fumes, anyone inhaling the smoke would have either died in their sleep or been rendered unconscious while sleeping. Eventually the fire would have grown to the size where the heat and flames would have reached the ionisation smoke alarms. At this point—the point at which practically the whole home was engulfed in flames—the ionisation smoke alarms would have gone off. The problem is that by this time Gary and his family were either already dead due to the inhalation of toxic fumes and smoke or they were unconscious, which means they would not have been woken in response to the alarm. If Gary and his family were lucky enough to have avoided smoke inhalation due to bedroom door closures et cetera, the size of the fire would have made
it nearly impossible to escape the burning house without sustaining significant injury through burns or death trying to escape.

So why, given that photoelectric alarms are considered by virtually everyone involved in the fire emergency prevention and safety industry to be the safest and most appropriate fire safety and prevention devices, are Australians still able to purchase and install ionisation smoke alarms? The reason is that the Australian government has failed to act. Companies selling ionisation products in Australia have wielded too much influence over our country and our decision making. Test data since 1993 shows ionisation alarms fail to activate in Australian standards testing until more than three times the maximum safe limits set for the photoelectric alarms. In 2004, the Australian Building Codes Board approved changes to the Building Code of Australia to make photoelectric smoke alarms mandatory in commercial buildings. In 2008, Standards Australia amended the Australian standard in relation to smoke alarms, which should have been adopted by the Australian Building Code Board, requiring photoelectric smoke alarms to be installed in all new homes. As at today, the Australian Building Code Board has not acted, and Australia's national building code has not been amended or updated to reflect Standards Australia's critical amendment which would mandate that photoelectric smoke alarms be installed in all new homes. While recommendations have been made to the Australian Building Codes Board to amend the Australian building code to make it mandatory for photoelectric smoke alarms to be installed in new homes, to date the Australian Building Codes Board has failed to do this.

Despite this, in response to growing concerns across the world with problems associated with ionisation smoke alarms, the Northern Territory government has shown great leadership. Northern Territory regulations were recently amended in the form of the Fire and Emergency Amendment (Smoke Alarm Regulations) 2011 to require existing ionisation smoke alarms that stopped working to be replaced with photoelectric alarms. This became effective from 1 November 2011. As a result, photoelectric smoke alarms must now be installed in all new homes built in the Northern Territory.

Overseas, an increasing number of US states and cities have legislated to mandate photoelectric smoke alarms. States with state-wide legislation include Iowa, Massachusetts and Vermont; other states are also following suit. In some European countries the sale of ionisation smoke detectors is prohibited; these countries include Cyprus, Lithuania, Luxembourg, the Netherlands and Switzerland. This is not only due to issues regarding their effectiveness but also in relation to concerns around the emission of radiation.

In recent years my home state of Queensland suffered one of the most horrific house fire tragedies in the country. Eleven lives were lost, including eight children. The coroner involved in the case recommended that every area of a house where people sleep have a photoelectric smoke alarm installed. Every year across Australia people are still dying or suffering horrific injuries as a result of house fires. These injuries and this loss of life is preventable and could easily be avoided if the Australian Building Codes Board would amend the Australian building code to require that all Australian households have photoelectric smoke alarms installed. Australia relies on the Australian building code and it is crucial that it reflects life-saving requirements. We also note that industry experts, supported by a growing body of evidence, suggest that not only should photoelectric smoke alarms be installed in all
homes but that they should also be interconnected to ensure maximum response and minimise occupant response time, and that alarms should be located in all sleeping areas.

In raising the issue in the Senate today I am putting up my hand to be a champion for Australians and ensure that change is brought about in this country. We must stop preventable house fire deaths and house fire injuries in Australia. I am determined, on behalf of the people of Australia, to bring about change to a smoke alarm laws and to stop the wasteful and preventable injury and loss of life associated with house fires.

Budget

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (13:54):
Over the past few weeks we have seen those opposite return to tried-and-true scaremongering tactics in an attempt to distract from their own internal chaos and to try to justify their vicious attacks on low- and middle-income Australians. It is a fairly simplistic plan which basically consists of pointing and shouting, 'Look! Look over there! Labor!' and screeching, 'Budget emergency!'

Of course, it is not a new strategy. In fact, those opposite have irresponsibly been trying to misrepresent Australia's financial situation for years, especially in the period directly before the 2013 election. While the rest of the world was lauding Australia for getting through the GFC with solid growth, low inflation, low unemployment and a AAA credit rating from all three ratings agencies, those opposite were busy talking our economy down. While the International Monetary Fund recognised that it was the Howard government, not a Labor government, that was the wasteful government, those opposite were continuing their economic fearmongering for tawdry political reasons. While it was clear that, under Labor, Australia had a relatively low debt of 12.7 per cent of GDP compared to an OECD average of 74.7 per cent of GDP, those opposite blundered on—either completely ignorant of, or completely misrepresenting, the facts.

After all the hysterical screeching about the debt and deficit before the election, it is not surprising the Australian people actually expected those opposite to do something about it when in government. But the financial statements prove that this is not what is happening. Joe Hockey's mini-budget clearly showed that the Australian economy has suffered since the Abbott government's damaging and unfair May budget. Unemployment is up, the deficit has spiked and confidence has fallen in a hole. The deficit ballooned by 70 per cent to $40.4 billion and net debt increased by 15 per cent to $244.8 billion. This is a government that promised to improve the budget bottom line—but instead tens of billions of dollars have been added to debt and deficit, all while hurting Australian families, pensioners, students and job seekers.

Do not get me wrong—Labor has supported billions of dollars of budget savings and we will continue to support savings that are fair and sensible. In fact, when we were in government we made $180 billion in savings which contributed to long-term budget sustainability without the attacks on low- and middle-income earners. But we will never support $100,000 degrees or the trashing of Medicare which will only serve to make us less healthy, less educated and less able to grow the economy in the future. The truth is that, while those opposite screech that we need to tighten our belts, it turns out that the 'we' they are referring to is only the poor, the sick, the young and those who rely on government services. Almost unscathed by those so-called belt-tightening measures are high-income earners, the
wealthy and the powerful. This is a government that uses debt merely as a self-serving political strategy which is constantly parroted by the member for Braddon, Mr Brett Whiteley.

They talk about reducing debt but, as we all know, their words and their actions are worlds apart. These actions tell the story of their absolute rank hypocrisy. They talked about reducing debt while putting in a request for a $200 billion hike to the nation's debt limit. They said they could not afford to maintain university funding while they gave the Reserve Bank a reportedly unsolicited $8.8 billion gift. They cut $80 billion from health and education while dumping Labor's plans to ensure multinational companies pay their fair share of tax. They plan to cut pensions and leave young job seekers with no source of income for six months at a time, while repealing billions of dollars of tax revenue.

Clearly this is not a government that cares about reducing debt. They are merely using it as a political smokescreen to ram through their longstanding plans to turn Australia into a two-tiered society of haves and have-nots. The savage budget tells the story, with massive hits to low- and middle-income Australians while the well-off will barely feel the impacts. Treasury analysis found that lower-income households would lose an average of $842 a year while high-income families with barely feel a $71 hit to their bottom line.

Clearly, this is a government that has no plan to address Australia's economic situation beyond hysteria and blatant attacks on those who can least afford to be hit. The Abbott government has been in government for 16 months now, and their trite slogans and shallow platitudes are starting to wear a little thin. Quite frankly, the people of Australia are waiting for those adults that we were promised would turn up.

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

QUESTIONS WITHOUT NOTICE

Prime Minister's Office

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Prime Minister, Senator Abetz. Yesterday, the foreign minister, Ms Bishop, said: 'I think people have been very frank and blunt in their assessment of the performance of the Prime Minister's office.' What frank and blunt assessment have ministers and backbenchers expressed to the Prime Minister about the performance of his office?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): We in the coalition believe in open discussion, frank and blunt discussion, and so it should not surprise the Leader of the Opposition in this place that we are willing to enter into such a dialogue. Can I also say to Senator Wong that as colleagues we give each other frank and blunt assessments of each other as well. But in no way does that mean that because we give each other frank and blunt assessments our friendships are in any way undermined or damaged—because we are the mature adults in the room and we can deal with those sorts of issues, unlike the Australian Labor Party.

We have it here from the Leader of the Opposition, today, saying that somehow having a frank and blunt discussion or assessment is something that a government should never get involved in. Of course it should, because unless you have those frank and blunt discussions
you will not perform to your very best ability for the people of Australia whom we at least, on this side, are dedicated to serving.

Can I say to the senator opposite that if Ms Bishop made those comments—I am willing to accept that she made those comments—it would be fair and reasonable to say that we in the coalition do engage in frank and blunt assessments with each other, and long may it continue.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. I refer to the Prime Minister's commitment that backgounding against members and senators of this parliament, by his staff, is a sackable offence. Were the staff, in the Prime Minister's office, who leaked details of Senator Sinodinos's resignation from the frontbench sacked and, if not, why not?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:02): For the Australian Labor Party to try to come in here and talk about leaking against each other, really, is taking credulity to a new limit. The Prime Minister has said, very clearly, that if a staff member in his office engages in leaking, then there are consequences that will follow, and that is only appropriate.

Senator Wong: They did! Ask Arthur—I bet he's got a view about it!

Senator ABETZ: We have Inspector Clouseau, over here, coming to a conclusion that she has proof. Well, if she has the proof, let it come forward. But, as I understand it, there is no such proof. There is only supposition. But as I had opportunity yesterday to sadly reflect, the fact that the Australian Labor Party comes in here and starts question time with these issues indicates their lack of policy, indicates their lack of ideas and indicates their lack of direction for this nation. (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:04): Mr President, I ask a further supplementary question. I refer to the withering character assessment by the foreign minister and deputy leader of the Liberal Party, Ms Bishop, of the Prime Minister's chief of staff, including that she has 'a lot of opinions'. I ask the minister: does the Prime Minister's chief of staff retain the Prime Minister's confidence?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:04): What a devastating assessment of somebody, to say that they have a lot of opinions! I would have thought that would be a requirement of any first-class chief of staff—to have a lot of opinions, to have a lot of ideas, to be able to assess agendas and submissions made to the prime ministerial office. To say that somebody has a lot of opinions is somehow a criticism, I would have thought that was a compliment—

The PRESIDENT: Stop the clock. Point of order, Senator Wong.

Senator Wong: Mr President, I rise on a point of order of relevance. The question simply was: does the Prime Minister's chief of staff retain the Prime Minister's confidence?

Senator Abetz: That is untrue.

Senator Wong: That was the only question.

The PRESIDENT: Order! There is no debate about this.

Senator Wong: I am sorry, I am responding to the leader.
The PRESIDENT: Order! It is not a debating point. There is no point of order. The minister has half the time left to answer his question, and he was addressing the content of the question. Minister, you have the call.

Senator ABETZ: Yet again, we have the Australian Labor Party, having been embarrassed by their own question, trying to reword the question. Everybody that heard the question would have heard the Leader of the Opposition say 'the withering assessment', and that is what I was addressing.

Senator Wong: Go on, back her in—Mathias will back her in! Does the PM maintain confidence in his chief of staff?

Senator ABETZ: And, of course, the continual interjections of the Leader of the Opposition—

The PRESIDENT: Pause the clock. Senator Moore.

Senator Abetz interjecting—

Senator Wong interjecting—

The PRESIDENT: Order! Minister, and Senator Wong.

Senator Abetz interjecting—

The PRESIDENT: Order, Minister! Point of order.

Senator Wong interjecting—

The PRESIDENT: The clock was paused when asked to be paused, Senator Wong.

Senator Ian Macdonald: Sit down! Grow up!

Senator Wong: He loves telling people—women, particularly—to sit down, in this place.

Government senators interjecting—

The PRESIDENT: Order on my right!

Senator Wong: I appreciate the courtesy, Mr President. Before you deal with Senator Moore's point of order, there have been a number of occasions when you have called another senator, and the microphone is not switched off, and the minister simply continues to speak. So can we at least have, if the minister is no longer supposed to be speaking, the microphone switched off when you direct so?

The PRESIDENT: I paused the clock, so the time clock is correct, when the point of order was taken. I appreciate your point, but I can tell you that the noise in the chamber is usually when Senator Abetz is on his feet and it is a loud amount of noise, and it is very difficult for me—let alone the minister—to hear. All senators need to exercise some restraint when the questions get a bit excitable. Senator Moore, you have the call, on a point of order.

Senator Moore: Thank you, Mr President. My—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Wong, Senator Ronaldson and Senator Collins!

Senator Wong: I am being yelled at.

The PRESIDENT: And you are yelling.

Senator Wong interjecting—

CHAMBER
The PRESIDENT: Senator Wong, I do.

Senator Moore: My point of order is on direct relevance. There was only one question asked by Senator Wong, and that was: does the Prime Minister's chief of staff retain his confidence? We could check the Hansard. That is the only question that was asked.

The PRESIDENT: The minister has been directly relevant to the question. Minister, you have seven seconds left if you wish to continue.

Senator ABETZ: When there are preambles to the question, it is appropriate to respond to that preamble. And, yes, the Prime Minister has full confidence in his chief of staff, for the second time in my answer. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:08): Before I call the next questioner, I draw to the attention of honourable senators the presence in the gallery of a parliamentary delegation from Germany led by Dr Peter Ramsauer, chair of the Committee on Economic Affairs and Energy. Providing you can stand the din, you are welcome to stay in the Senate chamber for as long as you wish—but we welcome you.

Honourable senators: Hear Hear!

QUESTIONS WITHOUT NOTICE

National Security

Senator SINODINOS (New South Wales) (14:09): My question is to my good friend and colleague the Attorney-General, Senator Brandis. Can the Attorney-General update the Senate on recent counter-terrorism activity—this is a serious question—in Sydney?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:09): It is an important question. Last night, two people were arrested in Sydney and charged for the offence of acts in preparation of a terrorism offence under section 101.6 of the Criminal Code. Regrettably, this is another episode and another reminder that the terrorist threat to Australia is real. Tactical operations police arrested both people at their residence in Fairfield in Western Sydney. This action is likely to have prevented harm to innocent Australians and potentially saved one or more lives. I can confirm that the information received by the Joint Counter Terrorism Team indicated that a terrorist attack in Western Sydney was imminent.

The AFP deputy commissioner, Mick Phelan, made it clear at his press conference today that the comprehensive reform of our national security legislation is already helping our agencies deal with this problem. The foreign fighters act lowered the arrest threshold in relation to terrorism offences from belief on reasonable grounds to suspicion on reasonable grounds. The lower threshold allows police to respond in a more dynamic and flexible manner, and the need for the new legislation was highlighted by yesterday's arrests. An alleged imminent terrorist attack was reported and the two men were arrested by police under the new lower terrorism arrest threshold. I was advised this morning by the AFP commissioner, Andrew Colvin, that it may be the case that the arrests would not have been able to be made under the higher tests under the previous legislation. Both suspects have been refused bail.
Senator SINODINOS (New South Wales) (14:11): Mr President, I ask a supplementary question. Can the Attorney-General provide any other details on the incident to the Senate?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:11): Yes, I can. The investigation of the alleged terrorist activities of these two suspects, known as 'Operation Castrum', is a New South Wales Police Force and Joint Counter Terrorism Team investigation. Police will allege that the two suspects purchased a large knife before returning to their home. Searches were subsequently conducted at the residence, on the motor vehicle and at their places of employment. Located at the residence were an ISIL flag, a machete and the large knife purchased earlier that day. Significantly, police also located a video recording of one suspect kneeling in front of an ISIL flag with the knife and machete, making a politically motivated statement threatening to undertake violent acts with those weapons. Other items have been seized as well, and the investigation is continuing.

Senator SINODINOS (New South Wales) (14:12): Mr President, I ask a further supplementary question. Can the Attorney-General inform the Senate about the measures this government and national security agencies are taking to keep Australians safe?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:12): As all honourable senators know, keeping Australians safe is this government's No. 1 priority. Last year, the government committed an additional $630 million to provide our security and law enforcement agencies with the resources they need to effectively counter and deal with terrorism planning. Our agencies will continue to work tirelessly to detect, disrupt and prosecute those who seek to do us harm. The government also provided our agencies with a range of new powers under legislative amendments to help combat the evolving terrorist threat. As I pointed out in my answer to the primary question, the advice of Commissioner Colvin of the AFP is that the arrest that was effected in Sydney late yesterday may not have been possible under the old law, but it was made possible by the reforms which this Senate passed when it passed the foreign fighters act. Might I finally say that yesterday's action again highlights the professionalism and bravery of our law enforcement and security officers.

Defence Procurement

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:13): My question is to the Minister representing the Prime Minister. I refer the minister to an interview given by Senator Edwards on Sky News yesterday when he again confirmed that the Prime Minister promised to hold a tender for Australia's new submarine fleet. Senator Edwards said:

… when I asked, "Now, can I confirm that the ASC can compete in this tender?", he said, "Yes. You can."

Is Senator Edwards wrong?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:14): Can I update the hapless Deputy Leader of the Opposition and point out to him a statement made by Senator Edwards to this place only a matter of, I assume, less than an hour or so ago. It said:

The assurance I sought—
the one from the Prime Minister—

was very simple. I asked for Australian companies like the ASC to have the right to compete for the Future Submarines project on merit. That is the very assurance I got, and that is the very assurance that stands today.

Having been asked this question by Senator Conroy, who is, allegedly, ventilating concern about the submarine project for Australia, can I simply say that for six years nothing occurred. In one of the great master understatements—the master understatement ever—Senator Conroy himself admitted that the submarine project did not go as fast as everybody wanted. Can I tell you: it did not go at any speed.

A government senator interjecting—

Senator ABETZ: It was like Ayers Rock; it has not moved in ages. Similarly, your ASC project moved nowhere, went nowhere, because there was nothing that was guaranteed. But the finance minister who used to preside over the finances of this nation, Senator Wong from South Australia, saw the stripping of $16,000 million dollars out of the defence budget and then claimed, 'Shock, horror, there mightn't be enough money in the defence budget.' Can I ask: in the six years, under Labor, did they do anything about submarines? No. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:16): Mr President, I ask a supplementary question. I, again, refer the minister to yesterday's Sky News interview, with Senator Edwards, who, when asked about the Prime Minister's commitment to a tender, said—and I quote—'The Prime Minister hasn't varied that, he hasn't rung me since and he hasn't varied the assurance that he gave me.'

Given that the Prime Minister has been caught out, trading submarines for votes, when is the Prime Minister going to come clean on what he promised Senator Edwards to secure his failing leadership?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:17): The silly word games of the Deputy Leader of the Opposition, once again, provide a window into the Australian Labor Party's thinking when it comes to the affairs of this nation and especially its defence requirements. As I have already indicated to the honourable senator, Senator Edwards made a statement after that Sky interview—indeed, as recent as one hour ago—to this place that said:

The assurance I sought was very simple. I asked for Australian companies like the ASC to have the right to compete for the Future Submarines project on merit. That is the very assurance I got, and that is the very assurance that stands today.

And this coming from a cabinet minister in the former government, which ensured that not a single naval vessel was built in Australia during the Labor regime! Indeed, the only one that was purchased, the HMAS Choules, was bought from the United Kingdom. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:18): Mr President, I ask a further supplementary question. I refer the minister to reports that Senator Edwards received an expletive-laden phone call from junior frontbencher Mr Briggs, who accused Senator Edwards of 'lying and deliberately misrepresenting the Prime Minister's position to bolster his Senate preselection chances'. Does the minister agree with Mr Briggs and does the minister agree with the Prime Minister, who has supported Mr Briggs today by
saying, ‘The term that I used in public and private is "a competitive evaluation process"’? (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) (14:18): In the previous answer I just gave, I may have used the word 'built' rather than 'commissioned' and, if that is the case, I would seek to substitute those words: Labor did not commission a naval vessel to be built in Australia in the six years whilst they were in government.

In relation to whether or not somebody engaged in an expletive-laden phone conversation, I have no idea about that. But all that I can say, with great and absolute confidence, is that if there were such a conversation, it would never match the sorts of conversations that took place between Senator Conroy and Mr Rudd.

Closing the Gap

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:21): My question is to the Assistant Minister for Health, Senator Nash. Given that, as the Prime Minister said today, the Closing the gap report is profoundly disappointing and there has been little progress if any—very little; virtually none—in closing-the-gap targets for Aboriginal and Torres Strait Islander peoples, and their chronic health issues are on the rise, how can your government justify cutting $168 million from the Aboriginal health budget when there is clearly still work to be done to close the gap? When the Prime Minister promised that this step backward would be followed by two steps forward, was that a commitment to return the funding that he cut in last year's budget?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:21): I think the first thing to note on this day, the day of closing the gap, is the very bipartisan nature that we have had historically because we are all of the view that the circumstances for Indigenous people in this nation have to be improved. It is actually only by working together that we are going to get improvements for that sector, by working with community and indeed by working with others across the chamber to effect what we need to do to improve those circumstances.

I can indicate to the chamber that over the forward estimates this government will be spending $3.1 billion in the health sector for Indigenous people, which can I also indicate is $500 million more than it was in the previous four years. So, in terms of funding commitment, the coalition is leading the way in ensuring that we can effect the outcomes we need. We are also working very closely with the Indigenous sector, because it is only by listening to the sector and taking on board their views and their solutions that we are going to effect better outcomes. Everybody, including everybody in this chamber, including the crossbenchers, knows that we have to do better. And everybody in this chamber, and indeed out in the community, knows that money itself will not effect outcomes. It has to deliver programs and policy that are going to make a difference, and that is why this government is absolutely committed to ensuring we have the funding targeted to those areas we need to target to ensure that Indigenous health outcomes are improved across the nation.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:23): Mr President, I ask a supplementary question. I notice the minister did not answer the question about the $168 million. The minister did say that she is listening to the Aboriginal community. I ask: of
the 158 Aboriginal community controlled health organisations around this country, each employing between one and 15 doctors, were any of these doctors or services themselves consulted over the impact of the Medicare co-payment on their clients?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:24): I, my colleagues and the Prime Minister continually consult with the Indigenous sector. Indeed, the feedback that we get is that we are indeed listening. I can indicate to the chamber that it is that very consultation that needs to take place to ensure we get the best outcome. When it comes to delivery—

The PRESIDENT: Pause the clock.

Senator Di Natale: Mr President, I rise on a point of order on relevance. The question was very, very clear. It was: how many of the 158 services or their doctors were consulted about the GP co-payment? Just a number. How many of those doctors were consulted?

The PRESIDENT: Thank you, Senator Di Natale. The minister did commence her answer by indicating that wide consultation had taken place, and she still has half her time left to answer.

Senator NASH: I would hope that those on the crossbenches would understand the processes of the representative organisations that represent those doctors in the 158 Aboriginal medical services across the country. Indeed, I can answer that I work very closely with NACCHO and with the organisations themselves on the ground to get their feedback on not only the issue of the way forward for how we can deliver better health services but a range of issues when it comes to delivering on the ground. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:25): Mr President, I ask a further supplementary question. Those health organisations are at the moment on 12-month temporary contracts. They do not know the future certainty of their funding. I ask the government: are they prepared to commit to long-term funding and contracts for Aboriginal health organisations, because we know that to close the gap we need long-term service provision?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:26): I can indicate to the chamber and to those on the crossbench that there are continued discussions about the best way forward for funding those Indigenous services. Indeed, the fact that this coalition government is looking at this very closely to determine how we get the best possible outcome shows the very nature that we are trying to get the best possible outcomes. People know that the sector is very keen to get some funding certainty around this. The coalition is working towards it. Can I point out to the chamber the $681 million that this government has committed this year for those primary services—indeed, $380 million for AMSs themselves. It is this coalition government that has a commitment to ensuring we get the funding arrangements right to give that long-term sustainability to the sector that we all in this chamber want.

Indigenous Employment

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:27): My question is to one of the hardest working ministers in the place, the Minister for Indigenous Affairs, Senator Scullion. Will the minister advise the Senate why the government is
implementing changes to the Remote Jobs and Communities Program and what this means for remote communities?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:27): I thank Senator O'Sullivan for the question. Clearly, the settings of the Remote Jobs and Communities Program introduced by the former government in July 2013 were not good. Some 60 per cent of the job seekers in remote communities return to sit-down money. That is not a partisan comment. I really understand and respect the difficulties that they had at that particular time. It demonstrates why we had a need for this government to instigate the Forrest review and refocus our efforts on ensuring training leads to real job outcomes. Applying the mainstream style employment models in remote areas that have limited or no real labour markets clearly fails. If people can work, they should. If jobs are not available, then people should undertake meaningful activity that builds their skills and contributes to their community.

An overhaul of the RJCP is underway to produce real long-term outcomes in remote communities. These reforms will commence from 1 July 2015 and will help build work ethics, skills and experience for job seekers that will lead to employment. The reforms are tailored to the unique social and labour market conditions in remote areas and will apply to all job seekers, whether they are Indigenous or not. Adults between 18 and 49 years who are not in work or study will undertake work for the dole for under 25 hours a week, five days a week, all year round. Work-for-the-dole job plans will be individually tailored to job seekers to provide a pathway to employment and will comprise all activities needed to meet their participation requirement. Twenty five million dollars will be provided each year to support the establishment of local businesses to provide job seekers with real work experience and, ultimately, real jobs in remote communities. At the same time there will be strong incentives for providers to find people jobs and for employers to employ Aboriginal Australians.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:29): Mr President, I ask a supplementary question. I thank the minister for that comprehensive answer. Will the minister advise the Senate of other measures the government is implementing to improve Indigenous employment?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:30): This government is investing $4.8 billion over four years through the Indigenous Advancement Strategy, focusing on achieving real results in our key priority areas of getting children to school, of getting adults into work and of safer communities. In 2013-14, under the government's previous Indigenous focused employment programs, 14,538 Indigenous job seekers commenced employment. Between July and December 2014, 8,271 Indigenous job seekers commenced employment with support through the IAS. Funding includes $45 million to support the vocational training and employment centres, which have been an outstanding success. Twenty eight of these centres now operate in urban, regional and remote Australia, with contracts to train a further 4,500-odd Indigenous people into guaranteed jobs. With 921 Indigenous people now working in jobs through VTECs, we are on track, with more than 5,000 people trained into real jobs by the end of the year. (Time expired)
Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:31): Mr President, I ask a further supplementary question. Will the minister explain to the Senate why Indigenous employment is a priority for this government?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:31): A key priority of this government is to end the disparity between Indigenous and non-Indigenous Australians, and the best way to do this, clearly, is by getting people into jobs. Employment for Indigenous Australians went backwards under those responsible for the Labor era. The proportion of Aboriginal and Torres Strait Islander people aged 15 to 64 who were employed fell by 6.3 per cent from 2008 to 2013. This compares with a one per cent rise in the same time period for non-Indigenous Australians. This highlighted the need for a new approach to secure employment outcomes for our first Australians. As Mr Forrest found in his review *Creating Parity*, released in August 2014, there has been too much training for training's sake. This government—and I am sure this parliament would agree—is ending the cycle, ensuring all Indigenous employment programs focus on training people into guaranteed jobs.

Environmental Policies

Senator WANG (Western Australia—Palmer United Party Whip in the Senate) (14:32): My question is to the Minister representing the Minister for the Environment, Senator Birmingham. Australian farmers are still principally small business. The Palmer United Party supports the needs of Australian farmers. I put it to you that the Commonwealth must directly cut the environmental regulatory burden and not pass responsibilities on to states, in the hope that farmers get a fair go. This government removed the resources supporting communication to farmers who were led into the EPBC Act. Will the minister recommit to resourcing liaison officers to communicate with farmers their responsibilities under the EPBC Act?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:33): I thank Senator Wang for his question and understand and appreciate his interest and the commitment that he has demonstrated in the chamber during his time here in relation to farmers and the agricultural sector. It is an interest that Senator Lazarus and the Palmer United Party generally have spoken about. This government is committed to reducing red tape and the regulatory burden on all Australian businesses, including Australian farmers and primary producers. We are committed to doing all we possibly can to ease the cost of doing business, to axe red tape and to axe green tape wherever it is unnecessary.

In the environment space, we are committed to our one-stop shop reforms around environmental regulation. We are committed to delivering those because we believe that it will provide a better outcome for all of those who need to seek environmental approvals. They will only need to work through one process of assessments and one process of approvals rather than working through a state process as well is a separate federal process. We are in the process of working through these changes with each of the states and territories, but we are absolutely determined to implement this policy in a way that reduces the cost and regulatory burden for farmers and for anybody dealing with the environmental approvals framework.

Senator Wang, in relation to the particular issue you raise about liaison officers, I will happily have a discussion with you about that. I do not have specific information in relation to those positions available at this time, but I will be more than happy to work with you to bring some information back to you in due course in regard to those positions.
Senator **WANG** (Western Australia—Palmer United Party Whip in the Senate) (14:34): Mr President, I ask a supplementary question. Instead of trusting state governments, will the minister reduce the requirements relating to grassland listings as an effective way of reducing the regulatory burden on Australian farmers who are simply attempting to farm their freehold title land?

Senator **BIRMINGHAM** (South Australia—Assistant Minister for Education and Training) (14:35): The EPBC Act relates to matters of national environmental significance that are well defined within that act. There are then specific listings of certain types of endangered species, both flora and fauna, within that. There is a very thorough assessment process, based on science, that is quite robust that underpins those listings. If there are particular concerns that you have, Senator Wang, about the nature of any of those listings then, once again, I would be more than happy to take this up with the minister and tried to seek some explanation around those listings. We are committed to having an environmental approvals regime that does protect critical, nationally important environmental standards but does so in a way that is efficient and effective when it comes to those who engage with it. So I am very happy to talk to you about the specific concerns of any farmers who may have approached you or the Palmer United Party.

Senator **WANG** (Western Australia—Palmer United Party Whip in the Senate) (14:36): Mr President, I ask a further supplementary question. Will the minister commit to strong oversight over the work of the independent expert scientific committee relating to the protection of precious and scarce water resources used by farmers in regional communities?

Senator **BIRMINGHAM** (South Australia—Assistant Minister for Education and Training) (14:36): The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development, in relation to coal seam gas and large coalmines, does very valuable work not just for the Commonwealth government but also for the states who signed on to utilise its expertise. We are committed to its independence. We are committed to that advisory committee providing robust advice to the Commonwealth government in relation to our approvals through the EPBC Act process, particularly in relation to the application of the water trigger and the protection of water resources, as well as ensuring that at the state level its information is made available under the agreements that the states signed on to, to inform their approvals processes, which generally have a broader application, of course, in relation to resources projects and the application of their mining and environmental approvals regimes for any resources developments. Certainly, in relation to that independent expert scientific committee, we expect it to be independent and well-resourced. *(Time expired)*

**Workplace Relations**

Senator **RUSTON** (South Australia—Deputy Government Whip in the Senate) (14:37): My question is to the Minister for Employment, Senator Abetz. Will the minister inform the Senate about the government's efforts to protect honest, hardworking union members from the activities of rogue union bosses?

Senator **ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:38): The government's registered organisations reforms will establish a Registered Organisations Commission with only the powers necessary to protect honest members and introduce new standards to ensure rogue union leaders are held to account. These will safeguard against the
kind of corruption and impropriety identified on numerous occasions and most recently by the Heydon royal commission.

Our reforms reflect the coalition policy announced in April 2012 and in our policy in May 2013. In opposition, the coalition tried to increase penalties applying to rogue union leaders. Those opposite opposed those reforms. The party of the unions rejected those reforms and has since delayed our reforms in this place not on one occasion but on two separate occasions.

Interestingly, our reforms will decrease red tape. Let us not forget that our proposals will actually cut Mr Shorten's ridiculous requirement that now requires shop stewards to disclose their partner's and family's income and imposes huge disclosure requirements. This is good news for the honest shop steward on the shop floor who believes that they should not be subjected to this sort of requirement that was so foolishly introduced in an overreaction by Mr Shorten when he was the minister.

Can I remind those opposite of what the former respected Labor Attorney-General said in this area: 'Unquestionably, a case for further legislative reform' exists in this area. Also, there needs to be effective and expeditious remedy when this conduct does occur. This currently is not—

(Time expired)

Senator Conroy: Why did you give Kathy Jackson your phone number?

The PRESIDENT: Order on my left! Senator Conroy!

Senator Jacinta Collins: And Godwin Grech.

The PRESIDENT: And Senator Collins!

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:40): Mr President, I ask a supplementary question. Can the minister inform the Senate of the views of former union leaders on the government's reforms to the governance of registered organisations?

The PRESIDENT: Minister, just before you answer the question, the standing orders provide for questions not to anticipate matters currently on the Notice Paper. I will just give you that warning before you answer the question so that you do not anticipate debate.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:40): I do not. Many senior union officials support the need to ensure the financial integrity of trade unions. Now, I wonder who said:

If you're a crook, you're a crook …

...  ...  ...

I can't understand why the penalties in the Corporations Act weren't pushed through when the government—

the Labor government—

legislated …

...  ...  ...

I have no issue with the coalition policy.
Now, I wonder who said that? Everybody on that side knows who said it: none other than the former national secretary of the Australian Workers Union, Paul Howes. And I wonder who said this in relation to registered organisations:

... where an individual is found to have done the wrong thing and it's established in court, then there should be appropriate penalties commensurate with a breach of trust that these actions represent.

And you know who said that? Mr Shorten. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:42):
Mr President, I ask a further supplementary question. Can the minister inform the Senate of any other support for the government's approach to ensuring good governance and behaviour by trade unions?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:42):
There is wide support for the need to clean up corruption within unions. Indeed, former ACTU president and Labor minister Martin Ferguson said:

‘There is an absolute obligation on the union movement to clean up its house. There is an obligation on the unions to put their house in order.

You would have thought Labor might actually agree with that instead of interjecting.

Another former Labor leader and ACTU president, Simon Crean, said of the CFMEU:

‘They need to get their house in order; they need to control the rogue elements.’ And, indeed, Dave Oliver has said: 'There is no place in the union movement for the gross misuse of members' money.' I quote Mr Paul Howes again: ‘Those who act dishonestly from within the union movement are worse than crook bosses’—yet the penalties are a lot less. This needs to change.

Economy

Senator LEYONHJELM (New South Wales) (14:43): My question is to the finance minister. The opposition leader has said:

If you've got growth, if you're creating national wealth, then a lot of pressure comes off the budget.

The Prime Minister said that economic growth is the best and fastest way to restore the surplus. If your proposed policy settings become law, you expect to achieve a surplus by 2020. My question is this: if the economy grew by four per cent each year from now on, even though it has not grown that fast in any year over the last decade, by what year would you expect to achieve a surplus? If it would still leave us with deficits over the next three years, isn't it irresponsible to say that growth rather than cutting programs is the best and fastest way to restore the surplus?

Senator CORMANN (Western Australia—Minister for Finance) (14:44): The truth, of course, is that you need both. I can reassure Senator Leyonhjelm and the Senate that the government continues to be committed absolutely to repairing the budget mess that we have inherited from our predecessors. When we came into government the economy was weakening, unemployment was rising, and the budget was in very bad shape and was deteriorating rapidly. Just to give you an example of that, at the time of the last election spending in the final year of the forward estimates—the 2016-17 financial year—to the first year outside the published forward estimates was projected to grow by six per cent above
inflation based on spending commitments the previous government locked into legislation quite irresponsibly.

In the 2013-14 MYEFO document, the half-yearly update on Labor's final budget, we showed that under Labor's policy settings debt was headed for $667 billion within the decade and rising beyond that. In order to get into surplus within three years, as you asked about, analysis in that MYEFO update shows that we would need five per cent real growth—that is five per cent growth above inflation—in order to get into a surplus position. To put that into context, that would be the strongest sustained period of growth since the late 1960s. The long-term historical growth rate is around three per cent above inflation.

The truth is that there is no easy answer here. There is no way past making an effort on the spending side. Spending growth over the current forward estimates has been contained to one per cent above inflation, down from about 3.6 or 3.7 per cent under Labor. (Time expired)

Senator LEYONHJELM (New South Wales) (14:46): Mr President, I ask a supplementary question. The Prime Minister has said:

… spending to get unemployed people into work; on childcare to keep parents in the workforce; on infrastructure to get people to their jobs; and on a small business tax cut to create jobs will help to get the budget back towards the surplus our country needs.

Can the minister explain how government spending will help get the budget back towards surplus? Can he point to any evidence that any sort of government spending anywhere in the world at any time in history has paid for itself?

Senator CORMANN (Western Australia—Minister for Finance) (14:46): One of the key structural economic challenges we as a nation are facing—and this is not a partisan point; this is a very serious point—

Opposition senators interjecting—

Senator Leyonhjelm: Mr President, I rise on a point of order. I cannot hear the minister's answer.

The PRESIDENT: I concur with your comment, Senator Leyonhjelm. Order, on my left, in particular.

Senator CORMANN: One of the most significant structural economic challenges we as a nation are facing is related to the ageing of the population, which brings with it falling workforce participation rates. Falling workforce participation rates are a drag on economic growth as well as obviously having implications for government expenditure. I hear people on the Labor side yawning as I explain this. These are actually very serious issues to do with our national interest. We need to ensure that we lift workforce participation by women, by older Australians and by young people who are currently unemployed in order to boost economic growth. As you rightly indicated before, boosting economic growth is part of repairing the budget. An infrastructure investment— (Time expired)

Senator LEYONHJELM (New South Wales) (14:48): Mr President, I have a final supplementary question. The government proposes to run deficits now and for many years to come. Is the government complying with its strategy to achieve budget surpluses on average over the course of the economic cycle? Does the government consider that Keynesian economics provides justification for our current deficits, and is it prudent to borrow now in the hope that economic growth will be better in the future?
Senator CORMANN (Western Australia—Minister for Finance) (14:48): Our strategy is to reduce government spending as a share of the economy. Our strategy is to get spending growth under control. We inherited an unsustainable and unaffordable spending growth trajectory from our predecessors which was taking us to $667 billion worth of government debt within a decade and growing. That was assuming that there would be no tax relief to adjust for bracket creep.

All we have done in this budget, our first budget, so far is contain spending growth to one per cent real growth over the forward estimates. Over the medium to long term, we have reduced spending growth to 2.7 per cent real growth, down from 3.7 per cent under Labor. Imagine if we actually had to cut spending what the fallout would have been. (Time expired)

**Economy**

Senator GALLACHER (South Australia) (14:49): My question is for the Minister for Finance, Senator Cormann. I refer to the minister's statement yesterday that the Australian government is working to 'strengthen the economy, create more jobs, help families'. Can the minister confirm that, since the budget was handed down, quarterly GDP is down by more than half, business confidence is down and the unemployment rate is up?

Senator CORMANN (Western Australia—Minister for Finance) (14:50): I very much thank the senator from the great state of South Australia for that question. Since we came into government, the economy has strengthened, job creation has strengthened and the budget is—

Senator Wong interjecting—

The PRESIDENT: Order, on my left!

Senator CORMANN: Senator Wong says that is not true. No wonder she was such a failure as finance minister; she does not know about economic indicators. Let me give you the facts. Economic growth is—

Opposition senators interjecting—

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

Senator CORMANN: About 600 new jobs were created every day in Australia in 2014, more than three times as many as the year before. Is everything yet as strong as we would like it to be? No, of course not, but we are heading in the right direction. Let me tell you something: we are in a much stronger position than we would have been if Labor were still in government. If we had not got rid of the carbon tax, if we had not got rid of the mining tax, if we had not got rid of more than $2 billion worth of red tape costs for business, if we had not started to roll out our record infrastructure investment program, if we had not signed three free trade agreements with key economies in the region, we would not be heading in the right direction. But we are heading in the right direction.

Australia is on course but is still facing economic global headwinds. There are things that are happening that are outside of our control. Commodity prices have fallen more rapidly than anyone expected. You know what? That would have happened irrespective of who was in government. Iron ore prices went down from a high of $180 a tonne to about $58 a tonne today. Iron ore exports represent 20 per cent of our export income as a nation. Of course that is going to have an impact.
But let me tell you: we are in a more resilient position now to face up to those challenges than we would have been if Labor was still in government. The point here is that, as we are facing those challenges, we are working to put us on a stronger foundation for the future, where you were exposing us to more risk, making us less resilient— (Time expired)

Senator GALLACHER (South Australia) (14:53): Mr President, I ask a supplementary question. In 2012, the Treasurer said:

The Reserve Bank wouldn't be cutting interest rates if the economy … was doing really well—

and that—

The Reserve Bank is catching a falling Australian economy where a Government is not.

Isn't it the case that the Reserve Bank is catching a falling Australian economy under this government?

Senator CORMANN (Western Australia—Minister for Finance) (14:53): The answer to that question is, no, that is not the case. The situation we are facing here in Australia is that we are an export oriented, trade exposed economy. If you have not looked for a while, commodity prices for iron ore, coal, oil and gas have actually been falling. That has had serious implications for our economy. You seem to have completely ignored that.

The truth is that, even though the official cash rate in Australia is lower than what it has been historically in Australia, it is actually still quite high by international standards. And the reason it went up post-GFC in Australia, unprecedented anywhere in the world under the Labor government, is that you put too much fiscal stimulus into the economy. You spent like drunken sailors, and, while everywhere else monetary policy was being eased, here in Australia the Reserve Bank was pushing up the official cash rate from three per cent to 4.75 per cent. Remember that? There is no precedent anywhere else around the world post-GFC where the official cash rate went up. (Time expired)

Senator GALLACHER (South Australia) (14:54): Mr President, I ask a further supplementary question. I refer to the minister's statement on Insiders on Sunday when he said:

No minister has ever said to me that the budget was unfair …

Does the minister stand by this statement?

Senator CORMANN (Western Australia—Minister for Finance) (14:55): I have got to add to that statement that I made on Insiders, and what I have got to add is that a lot of ministers have raised with me the unfairness of the budget situation we inherited from Labor. A lot of ministers have raised with me the unfairness of the weakening economy Labor left behind—the exposure of our living standards, putting our living standards at risk under Labor. I have got to say—

The PRESIDENT: Pause the clock.

Senator Cameron: Mr President, I raise a point of order, on relevance. This question was quite clear: it was about the unfairness of the Abbott government budget.

The PRESIDENT: Thank you, Senator Cameron. The minister has 37 seconds left in which to answer the question. I remind the minister of the question.

Senator CORMANN: I was asked whether I stand by that statement and I said, no, I have got to add to that statement—and a very important addition that I did not think about on the
spur of the moment on Insiders. I did not come up with the fact that actually a lot of ministers had raised unfairness with me. A lot of ministers had raised with me how unfair the budget situation was that Labor left behind, how unfair it was that Labor had exposed generations of Australians to high levels of debt and deficit, to lesser opportunity in the future, and how important it was that we turned that situation around, strengthening the economy, creating more jobs, repairing the budget mess we inherited from you. (Time expired)

Industry Innovation and Competitiveness Agenda

Senator BERNARDI (South Australia) (14:56): My question is to the Minister for Veterans' Affairs, Senator Ronaldson, in his capacity as representing the Minister for Industry and Science. Will the minister please update the Senate on the progress of the Prime Minister's Industry Innovation and Competitiveness Agenda?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:57): I thank Senator Bernardi for a question in relation to industry policy. I might have a little more to say about that over the next three or four minutes. The government is committed to delivering a strong and stable economy to provide jobs of the future for all Australians. Part of our strategy is to assist Australian industry to transition to the future needs of the domestic economy and the changing nature of the international economy. Our nation, which rode on the sheep’s back for so long, is now in transition. Our manufacturing and commodity based economy is adding to it the highly technical skilled jobs of the future, which both are high value and rely on research innovation.

Last year, the Prime Minister and the minister for industry announced a $400 million Industry Innovation and Competitiveness Agenda. This was to take advantage of the transition that is taking place. It is to build on our strengths, improve productivity, reward entrepreneurship and back business to grow. Cochlear, one of those companies that has been actively involved in this, has said this—Mr Chris Roberts said that this agenda demonstrates the importance of linking science with industry and that it is 'a win for jobs, exports and education, and a major step forward on the path to a smart Australia'.

I said before that I welcome a question on industry policy from Senator Bernardi. It will be staggering to the chamber to know that, the last time I got a question from the shadow minister for industry, it was minus four overnight, we had not had speeches from Senators Leyonhjelm, Day or Muir—they had not given their first speeches—the PUPs were still a happy litter and, indeed, Senator Lambie had not told us what she was looking for in a man. (Time expired)

Senator BERNARDI (South Australia) (14:59): Mr President, I ask a supplementary question. Would the minister please update the Senate on how the government's new industry growth centres initiative fits into the agenda he has outlined?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (00:00): I again thank Senator Bernardi for his question and his long interest in industry policy. As our economy transitions, this government will assist communities to adapt to changing industrial and economic circumstances. This is particularly important in locations such as Adelaide and Geelong, where the withdrawal of the automotive industry has been pronounced. The $188.5
million industry growth centres initiative is an important piece of this agenda. It will provide strategic investment sectors that have a competitive advantage with targeted investment for the best economic return. The centres will be established to support the following: fruit and agribusiness; mining equipment, technology and services; medical technologies and pharmaceuticals; advanced manufacturing; and, finally, oil, gas and energy resources. This will improve collaboration between business, scientists and researchers.

Senator BERNARDI (South Australia) (15:00): Mr President, I ask a further supplementary question. I ask the minister to update the Senate on other government programs which will support Australian industry.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:01): I again thank Senator Bernardi for the opportunity to talk about industry policy. These growth centres—

Senator Kim Carr: You haven't got an industry policy!

Senator RONALDSON: Once you ask a question you will get an answer, my friend. It is this side that asks questions. You have not asked a question since 9 July. We have the $155 million growth fund and $50 million manufacturing transition program. They will help focus the government's approach. Our approach is strategic and is focused. It stands in stark contrast to that of those opposite. Those in Geelong and Adelaide need to know they have a government standing beside them during this transition process. They had nothing from the former government. They had nothing from the former minister. The Australian Labor Party trotted through three industry ministers in six years, and Senator Carr was a failure on every single occasion.

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

DOCUMENTS

Asylum Seekers

Order for the Production of Documents

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:02): I table a letter in response to an order for the production of documents.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Defence Procurement

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:02): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Conroy today relating to the manufacture of the next fleet of Australian submarines.

This chaotic and dysfunctional government is all at sea on the issue of submarines. It is chaotic and dysfunctional.

Senator Cash interjecting—
Senator CONROY: You have just been rolled by the High Court; I would sit there quietly! Let us be clear, we now have a Prime Minister who is reduced to trading votes for submarines. How low has he sunk when he is trading our most lethal defensive asset for a vote to shore up his leadership. He is a man bereft—

Senator Abetz: Mr Deputy President, I rise on a point of order. What Senator Conroy has just said is clearly a reflection on motives and a reflection on the Prime Minister, and it needs to be withdrawn.

Senator Cameron: On the point of order, all that has happened here is that what Senator Edwards has put on the public record as a matter of fact is being proposed here: that the Prime Minister did trade the votes.

The DEPUTY PRESIDENT: Senator Cameron, that is debating the point. I have taken advice. I think you are very close to the position of reflecting. Senator Conroy. I remind senators that they ought not reflect adversely on members of either house. Senator Conroy, you can continue.

Senator CONROY: I appreciate your advice, Mr Deputy President. What we are seeing here is submarines for votes. If you have not seen it yet—I am sure you circulated it to the South Australian branch members, Senator Ruston—I recommend that all senators view the interview that Senator Edwards gave on Sky News yesterday. The smile that you are seeing today on Senator Brandis's face as he skipped around the chamber was in the knowledge that there is now a worse political interview than his own on metadata. He can now say, 'I was not the worst this government has produced,' because Senator Edwards gave an interview that was excruciating. In fairness to Senator Edwards, though, we know that he was sent out last weekend by the Prime Minister's office to prop up the Prime Minister. He was sent out to do a job on behalf of Mr Abbott. All he did was tell the truth. He told the truth about his conversation with Mr Abbott. At no stage in the past, tawdry, five days has Senator Edwards contradicted what he said on Sunday, Monday, Tuesday and Wednesday of this week. Not once in the spiel we had from him earlier today did he deny what he said. He was sent out again, yesterday, to try to clean up the mess that the Prime Minister has caused himself. Just so you can get it accurately for your letters to your members, Senator Ruston, let me quote what Senator Edwards said. Mr Speers asked him:

So I just want to be clear, that's not happened. The PM never said the word tender to you?

Senator Edwards:

No. I'm not going to represent what the PM said to you. You ask the PM.

... ... ...

I'm telling you, I used those words.

Mr Speers:

But did the PM use that rhetoric? Did he use that word?

Senator Edwards:

I believe he did because when I asked him, 'Now can I confirm that the ASC can compete in this tender?', he said: 'Yes, you can.'

That is the Prime Minister of Australia trading away $20 billion of Defence acquisitions—just trading it off.
Today we have had more attempted damage control from this shambolic government. We see reports, which are not denied, that junior Liberal frontbencher, Mr Briggs, we are told, in an expletive filled phone call to Senator Edwards accused him of 'lying and deliberately misrepresenting the Prime Minister's position to bolster his Senate preselection chances' against you, Senator Rushton, or against Senator Fawcett. And now, just before question time, the Prime Minister finally crawls out from hiding and this is what he had to say about Senator Edwards:

The term I have used in public and in private is a competitive evaluation process.

So he has accused Senator Edwards of lying about what the Prime Minister said. There it is: we wait till after we have sent Senator Edwards out into the chamber to try and clean up the mess, and he still does not because he is not going to lie for the Prime Minister. We go out and dump and cut him up. We leave him hanging out to dry. The Prime Minister got you both last Monday— (Time expired)

Senator McKENZIE (Victoria) (15:08): I too rise to take note of answers. What a pleasure it has been to listen to the diatribe of the last five minutes from the shadow defence minister—the captain of designing policy on the backs of slips of paper—Senator Conroy. When we look at the previous government and their capacity for decision making in this particular policy space, it is a blank piece of paper. Instead of providing Defence with the capacity to purchase and procure, they rip $16 billion out of the budget—that makes it a little difficult to get on with the job of purchasing.

When it comes to submarines, we are determined to take action on this particular issue—to get the best value for money and capacity for our Defence forces. Having participated in a procurement inquiry last year, I find that the ALP is quite strong on the rhetoric but quite weak on the action. We had very strong advocacy from the CFMEU around paper procurement. For six years, if the Labor Party was actually interested in ensuring the jobs of workers, particularly in regional areas—and I think about the Maryvale pulp mill in my home state of Victoria—then they would have done something. Instead they sat on their hands, as with this particular example, and now they are braying from the sidelines like the donkeys that they are, complaining rather than using the time they were in government to show leadership and make decisions.

When this issue needed to be dealt with in a timely manner, more than two years ago, where was the Labor Party? You were MIA—missing in action—on productive decision making in Defence for the entire time you were in government. In September 2013 the Australian people did vote for strong, united leadership and that is what they got after six years of debacle from the previous government—

Senator Cameron: A strong, united leadership!

The DEPUTY PRESIDENT: Order!

Senator McKenzie: to take the tough decisions, Senator Cameron, because it is not easy. It is very easy to sit there and not make decisions that would actually bring budgets back into surplus over time or that will help economies to transition. That is the tough work of government. You are very strong on the rhetoric, but very quiet when it comes to making the tough decisions. We need shoulders to the wheel right now here in the Senate to assist fix the train wreck that is our budgetary position and that you are in denial about. Again, where is the
Labor Party? MIA. You are even blocking savings you identified when you were in
government. You sit here day after day refusing to help us to put this budget back into
the black over time. It is a travesty for the Australian people and it is a travesty for future
generations that are going to have to deal with paying that back—particularly when you look
at the demographic tsunami that is approaching and the constraints that will impose on the
health budget, on the aged care budget. But where are you? You are much more prepared to
carp from the sidelines than get on with the real job, the hard lifting and the heavy lifting.

When I think about the Labor Party in government, I think about the billion dollars a month
in debt they have left us. That is a lot of hospitals; it is a lot of nurses; it is a lot of teachers; it
is a lot of infrastructure for universities; it is a lot of roads; it is a lot of ports—it is a lot of
infrastructure that would assist in creating jobs for Australian workers as the mining boom
comes off. That is why we put that program in place so that there would be jobs for those
people to go to and to ensure that the economy continues to grow. You just do not understand;
it is not part of your DNA. The last time the ALP delivered a surplus in government, 'Wind
Beneath My Wings' was a top hit and the Berlin Wall came down—it was 1989. There are
people in this parliament right now who were not even born when you, as a reform party, had
a reform agenda that recognised that debt was a problem for government. It is a very sad
case—(Time expired)

Senator CAMERON (New South Wales) (15:14): This really is a dysfunctional, chaotic
government. This is a government who would rather stand up and argue ideological rhetoric
than actually worry about jobs for Australian workers. This is a government that would
sacrifice the car industry in Victoria, sacrifice the submarine industry in South Australia for
the sake of their ideology. I saw that Senator Edwards was going to make a statement today
and I said: 'This is great, Senator Edwards is actually going to stand up for himself. He is
actually going to tell the truth.' But what did Senator Edwards do? He lost all courage and he
simply read a speech, prepared for him in the PM's office, to try and save the Prime Minister's
skin. That is what he did today.

Senator Edwards is a guy who has gone from a rooster to a feather duster in 24 hours. He
was boasting about his great victories in his local news, The Flinders News, saying that he
told the Prime Minister that there had to be a competitive tendering process for the
submarines. He said: 'I scored a big win for South Australia with an assurance from the Prime
Minister that the Australian Submarine Corporation and South Australian shipbuilders will be
given the opportunity to tender for the Future Submarine contract.' This is his hero position in
the local newspaper: 'What a great job I did, I got Tony Abbott re-elected, and I gave him my
vote in return for the submarine contract being a competitive contract.' Then it all crashed
down around Senator Edwards, because the competitive tender suddenly became a
'competitive evaluation process' that nobody understands—nobody understands what it is.
Yesterday, Senator Abetz made a pathetic attempt to try and tell people what a competitive
evaluation process was—nobody knows what it is! It is an absolute joke. Mr Deputy
President, let me tell you what happened with Senator Edwards. He then went from 'a
competitive evaluation process' to 'an opportunity to participate'. South Australia has an
opportunity to participate! These weasel words are not good enough. We are talking about
jobs in South Australia. We are talking about the future of one of the biggest contracts ever in
this country—and yet Australian industry is not being allowed to tender because a deal has
been done—a handshake has been done—between the Prime Minister of Australia, Tony Abbott, and the Prime Minister of Japan—to build the subs in Japan. That is what this is about, and that is why we have the weasel words. We do not have one South Australian senator who had the guts to stand up and take the Prime Minister on—or take this leadership on, in this rotten government—and say, 'We want jobs in South Australia.'

Senator Edwards claims that he has always been a supporter of South Australian jobs. Well, that is not true—because when we had the former defence minister, Senator Johnston, saying they 'could not build a canoe' in South Australia, what did we hear from the South Australian senators? Not a word. Not a whisper. They sat back, with their jelly backs and their weak knees, and they just let the South Australian manufacturing workers and the South Australian industry be trashed by this government. This is a rotten government. This is a government that would send jobs to Japan. This is a government that chases the manufacturing industry and the car industry out of this country. And the South Australian senators are being trashed by their own people: Mr Jamie Briggs said that Senator Edwards was lying and desperately misrepresenting the PM's position to bolster his preselection chances. What a rotten mob they are—they would sell Australian workers out for their preselection! They are dysfunctional, chaotic and absolutely hopeless.

Senator REYNOLDS (Western Australia) (15:19): I too rise to take note of this issue. Mr Deputy President, for the benefit of Senator Cameron, I would like to clarify some of the issues that he raised. First of all, he might be interested to know that yesterday, the Premier of South Australia welcomed the federal government's approach. If Senator Cameron does not understand what the competitive evaluation processes are, I would like to remind him that they are processes that his own government used in 2010 to do an evaluation process of the MH-60 naval helicopter capability, after undertaking a competitive evaluation of the respective offers. So not only has the previous government used this process, the South Australian Premier has commended the government for this approach, and he has commended the minister for his comments yesterday.

I would like to remind those opposite about the facts. Instead of a lot of overblown rhetoric, I would like to take them back to the facts of this issue. Under Labor, defence spending fell to 1.6 per cent of GDP, its lowest level since 1938. In 2012-13, Defence suffered the biggest single cut to its budget—10.5 per cent—since the Korean War. Under Labor—not under the coalition—200,000 jobs were lost, and defence industry under Labor had to shed over 10 per cent of its workforce. I have to wonder, listening to Senator Cameron, where was he then? Where were the unions then, when the defence industry had to shed jobs? The fact is that the Defence Capability Plan under Labor was never affordable or deliverable. It was $18 billion underfunded to deliver Force 2030. Here are some facts that demonstrate just how bad it was under the previous government: 119 projects were delayed, 43 were reduced, and eight projects, all up, were cancelled. In 2007, in relation to the submarines, Kevin Rudd said that Labor would ensure the submarines were built by the ASC. He said the process would begin in 2017 so that it could go out for contracts in 2011. Still nothing had been done by 2013, but the Labor government promised that 12 new submarines would be built. But again there were no plans and no funding. Not only did Labor not fund the submarine project; they took $20 billion out of forward estimates and beyond for the project. Where were the Labor senators from South Australia then? Where was the AMWU then—
when they were not only losing jobs but the future submarine program was never funded? In six years under Labor not a single ship was commissioned.

I would also like to address a bit further Senator Cameron's comments in relation to this government and jobs—in particular, that we are 'ideologically focused'. Absolutely—we are. We believe in jobs and we believe in supporting small business. Again, there are some rather inconvenient facts for those opposite: in 2014 alone 213,000 new jobs were created under this new government. That is 585 new jobs every single day last year—a new job every 2½ minutes, every single day. Job creation is actually running at triple the pace it was under Labor. Where were those opposite, where were the unions, when this was occurring last year?

In fact, 223,000 new companies were registered in Australia in 2014, an increase of almost 10.2 per cent. Where were the trade unions? Where were the senators opposite in encouraging and supporting new businesses, which meant new jobs all around the country? This current government is ideological. We do believe in investing in infrastructure and we are getting on with the projects. There are 85 projects currently under construction and another 94 in development. *(Time expired)*

**Senator GALLACHER** (South Australia) (15:24): I too rise to take note of the answer from Senator Abetz to Senator Conroy. I got a bit of a chill out of the last two contributions from the other side. I mean, you are in government, and you are promising to deliver, but you are breaking those promises and regurgitating five years of history about what some other government is alleged to have done. It is not all that comforting to the hundreds and thousands of working men and women in South Australia who simply want to contribute to the best of their skill and ability, nor to the small businesses surrounding those manufacturing jobs who want to participate in the economy to the best of their ability, the small to medium enterprises and the large businesses that this huge expenditure hangs off. What they got from the other side in contributions from Senator McKenzie and Senator Reynolds was absolute rubbish.

I want to put this on the record: MPs who conscientiously listen to their electorates—who think about policy—are assets, not inconveniences. They are worth a lot more than those who toady up to the media with the latest line approved by their leadership and reflect back what they think it wants to hear. That comes from an article not from Labor but from the Hon. Peter Costello. It was free advice to the Abbott government. The 'woodchucks' that he refers to in that article—I did not know what a woodchuck is; I had to Google it; it is a sort of a rodent, also known as a whistlepig—are eager for promotion and will say and do anything the leadership wants. That is where we are today. Someone on the other side had a little bit of intestinal fortitude and tried to stand up for his electorate because they are invading his space. He said: 'What are you doing about securing our small businesses, our small to medium enterprises, our big businesses and our jobs?' He stood up and tried to get a commitment.

Australian companies can tender for the biggest procurement decision in Australian defence history, and a government owned asset can tender for the biggest procurement contract in Australia's defence history Heaven forbid! If you approached voters in the street and said 'Do you think it's appropriate that Australian businesses and Australian government enterprises tender for the biggest defence contract in Australia's history?' I am not sure you would find anyone who would say 'No, we shouldn't. We should restrict it to a select group of international partners who we think we have more confidence in'—none of which has actually
built the submarine that we need or operated a submarine under the same conditions as ours. And there is an abundance of evidence coming into the Senate economics committee inquiry and this parliament from all sorts of people with an interest in this area. They are all saying, 'It's a pretty simple process. We should have a complete competitive tender, and the assets the government owns would be foremost in that tendering process.'

We know from the Collins class submarine and the Navantia design that there have been huge problems with submarine plans drawn up in other languages. We know this from our learnt and lived experience. We know from the Australian National Audit Office reports that there is an average of 2.75 revisions to every drawing that is put in front of a tradesman, and we know that they have had to rebuild the work. And we know through the Auditor-General's contribution to the Joint Committee of Public Accounts and Audit that the productivity has been mainly about revision of drawings, a lack of clarity of drawings and doing the work twice.

I want to finish with this: we have many thousands of South Australian voters, many thousands of South Australian skilled workers—union members, and proudly so, some of whom were in this place yesterday—who simply want a fair go. And it really is beyond me that any government of any colour or any persuasion cannot see the clarity of letting people compete for the work and give a damn good result.

Question agreed to.

**Closing the Gap**

**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 Health (Senator Nash) to a question without notice asked by Senator Siewert today relating to funding for services for Indigenous Australians.

For a start, it is quite obvious from the minister's response—although she tried not to say it—that, no, the government will not be returning the funding that they cut. The position that she took was, 'We are putting all this money in.' Yes, that is great, but there is still a cut. There is still $168 million being taken out of the health budget. There is still $534 million being taken out of Aboriginal programs. You can talk all you like about the money you are investing, and that is great—it is helping—but there has been a cut. I will talk about this in more detail when we address the Closing the Gap annual report.

I want to refer to the Close the Gap Campaign Steering Committee's progress report. When you read that report, the point that comes out really clearly in that we need to make a long-term sustained commitment to funding, because the target we are aiming for is to close the gap in life expectancy by 2030. Therefore we need to make sure that we provide that funding. But, no, the government have cut funding. They have taken $168 million out of the health budget. That will have an impact on our ability to close the gap.

When I asked about the co-payment, the minister was talking extensively about the fact that they have consulted. Well, I have spoken to a large number of Aboriginal medical services, and guess what? No, they have not been consulted about the impact of the co-payment on their clients. No, they have not been consulted by the government on the co-payment. We did hear, through the Senate inquiries into inequality and into the impact of the cuts, that the co-payment will have an impact on the clients of Aboriginal medical services.
But that was through the Senate inquiry process; it was not through the government's consultation process. So for the government to say they have been consulting Aboriginal medical services about the impact of the co-payment on their clients is in fact a nonsense.

In terms of the minister making any long-term commitment to long-term funding for Aboriginal medical services, again she would not answer that question. She said, 'Yes, we are talking about it.' With the current turmoil surrounding funding for Aboriginal and Torres Strait Islander programs, including health programs, Aboriginal medical services are deeply concerned about the future of their services. Apparently they have been able to engage with the government on that. The minister did say that they have been engaging with the sector, but in fact they have not been able to resolve that. They were given a 12-month contract but they still have no guarantee that they will have long-term funding.

That takes me back to the issue I started with—that is, it is quite obvious that, if we are going to close the gap by 2030, we need sustained long-term investment in health programs. But here we are, stumbling at the first hurdle, when we are not even prepared to make sure that we are committed to long-term funding of Aboriginal medical services. We absolutely need to increase our investment in primary health services, but AMSs also work with other programs. While we have got turmoil in the grants program from the Department of Social Services and absolute turmoil with what is happening with the Indigenous Advancement Strategy—where, on the current timetable, organisations are not even going to know the outcomes of that until the end of March—those funding decisions also impact on the ability of Aboriginal medical services to deliver ongoing health services to clients and, in particular, to address the issues around poor chronic health outcomes. The Closing the Gap reports particularly highlight that chronic health outcomes are going backwards.

How can Aboriginal medical services plan for the long-term if they do not know what their funding is going to be from year to year? How can they keep top-quality medical specialists if they do not know what their funding is going to be? The money that has been taken out of their budget—$168 million—is a huge whack to delivering Aboriginal medical health services. It should be reversed. Any commitment by the government is undermined by their failure to do that.

Question agreed to.

NOTICES

Presentation

Senator O'Sullivan to move:

That the Senate:

(a) recognises the Victorian dairy industry's continued efforts to capitalise on opportunities in China; and

(b) notes that:

(i) a total of 54,301 dairy cattle were exported from Victoria to China during the 2014 calendar year, and

(ii) this has continued to provide a valuable alternative revenue stream for farmers in our southern states.
Senator McLucas to move:
That—
(a) there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Thursday, 12 February 2015, copies of the following National Mental Health Commission documents in relation to its Mental Health review:
   (i) the preliminary report which was completed during February 2014,
   (ii) the interim report which was completed in June 2014, and
   (iii) the final report which was completed by the end of November 2014; and
(b) the Senate not accept a public interest immunity claim by the Minister that tabling these documents would impact the Government's ability to properly respond to the Mental Health review because:
   (i) the production of these documents is necessary to allow people living with mental illness, their representative organisations and service providers to have an open and honest conversation about the future of the mental health system in Australia,
   (ii) the Mental Health review must be transparent for the community to have faith in the review outcomes,
   (iii) there has been significant demand from the mental health sector for the reports to be made available to allow for an informed debate in the lead-up to Government decision-making around the 2015-16 Budget, and
   (iv) the more than 1 800 organisations and individuals that made submissions to the review have the right to see these reports.

Senator Wright to move:
That the Senate—
(a) opposes the establishment of nuclear power plants in Australia, based on the best available expert advice;
(b) recognises that the production of uranium and its use in the nuclear fuel cycle presents unique and unprecedented hazards and risks, including:
   (i) threats to human health and the local environment in the mining and milling of uranium,
   (ii) the generation of products that are usable as the raw materials for nuclear weapons manufacture, and
   (iii) the generation of highly toxic radioactive waste by-products; and
(c) rejects any efforts to move toward establishing nuclear power plants in South Australia.

Senator Whish-Wilson to move:
That the Senate—
(a) acknowledges the efforts of the Sea Shepherd in tracking, locating and reporting to authorities the presence of illegal fishing vessels in the Southern Ocean; and
(b) calls on the Australian Government to meet its election commitment and immediately deploy a customs patrol vessel to the Southern Ocean to deter illegal fishing.

Senator Waters to move:
That the Senate—
(a) notes:
   (i) that the Federal Government appointed Ms Rosie Batty Australian of the Year for 2015,
(ii) Ms Batty's call for investment into preventing violence against women and for long-term secure funding for specialist women's domestic violence services,

(iii) the Inaugural Asia-Pacific conference on Gendered Violence and Violations currently taking place in Sydney,

(iv) the Federal Government's $43 million cuts to the legal assistance sector, including to community legal centres, legal aid, and Aboriginal and Torres Strait Islander Legal Services announced in December 2013,

(v) the Federal Government's $44 million cut to capital expenditure on new shelters and emergency accommodation under the National Partnership Agreement on Homelessness announced in the May Budget,

(vi) that funding for domestic violence services under the National Partnership Agreement on Homelessness is set to expire on 1 July 2015,

(vii) the Federal Government's $21 million cut to housing and homelessness peak bodies announced 3 days before Christmas, in December 2014, and

(viii) ongoing funding uncertainty for Family Violence Prevention Legal Services; and

(b) calls on the Federal Government to reverse funding cuts to domestic violence services and guarantee funding certainty.

Senator Xenophon to move:

That the Senate—

(a) notes that:

(i) on 10 February 2015, the Federal Court in Malaysia upheld a charge of sodomy against Malaysian Opposition Leader Mr Anwar Ibrahim,

(ii) Mr Ibrahim has been sentenced to 5 years in jail, and in addition will be prohibited from running for public office for a further 5 years, and

(iii) Human Rights Watch, Amnesty International, the Inter-Parliamentary Union, and the International Commission of Jurists have expressed grave concerns about the conviction and sentence, with Human Rights Watch labelling it a 'travesty of justice';

(b) calls on the Malaysian Government to use its powers to release Mr Ibrahim from custody immediately, and to set aside his conviction; and

(c) requests that the President of the Senate convey this motion to the Malaysian High Commissioner to Australia.

Senator Rhiannon to move:

That the Senate—

(a) notes the report published by the University of Sydney on 6 February 2015 which found that private education companies had made hundreds of millions of dollars in profit as a result of public subsidies at the same time that public funding for technical and further education was being slashed; and

(b) calls on the Federal Government to immediately review the contestability funding model for vocational education and training and prioritise funding for public higher education.

Postponement

The following items of business were postponed:

General business notice of motion no. 596, standing in the name of Senator Waters for today, relating to the Abbot Point coal terminal and proposed Carmichael coal mine, postponed until 12 February 2015.
I seek leave to amend general business notice of motion No. 1 standing in my name.

Leave granted.

Senator SIEWERT: I move the motion as amended:

(1) That the following matter be referred to the Community Affairs References Committee for inquiry and report by 24 June 2015:

Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age-related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability, with particular reference to:

(a) the experiences of people directly or indirectly affected by violence, abuse and neglect perpetrated against people with disability in institutional and residential contexts;

(b) the impact of violence, abuse and neglect on people with disability, their families, advocates, support persons, current and former staff and Australian society as a whole;

(c) the incidence and prevalence of all forms of violence, abuse and neglect perpetrated against people with disability in institutional and residential settings;

(d) the responses to violence, abuse and neglect against people with disability, as well as to whistleblowers, by every organisational level of institutions and residential settings, including governance, risk management and reporting practices;

(e) the different legal, regulatory, policy, governance and data collection frameworks and practices across the Commonwealth, states and territories to address and prevent violence, abuse and neglect against people with disability;

(f) Australia's compliance with its international obligations as they apply to the rights of people with disability;

(g) role and challenges of formal and informal disability advocacy in preventing and responding to violence, abuse and neglect against people with disability;

(h) what should be done to eliminate barriers for responding to violence, abuse and neglect perpetrated against people with disability in institutional and residential settings, including addressing failures in, and barriers to, reporting, investigating and responding to allegations and incidents of violence and abuse;

(i) what needs to be done to protect people with disability from violence, abuse and neglect in institutional and residential settings in the future, including best practice in regards to prevention, effective reporting and responses;

(j) identifying the systemic workforce issues contributing to the violence, abuse and neglect of people with disability and how these can be addressed;

(k) the role of the Commonwealth, states and territories in preventing violence and abuse against people with disability;

(l) the challenges that arise from moving towards an individualised funding arrangement, like the National Disability Insurance Scheme, including the capacity of service providers to identify, respond to and prevent instances of violence, abuse and neglect against people with disability; and
(m) what elements are required in a national quality framework that can safeguard people with
disability from violence, abuse and neglect in institutional and residential settings.

(2) That for this inquiry:

(a) 'institutional and residential settings' is broadly defined to include the types of institutions that
people with disability often experience, including, but not restricted to: residential institutions; boarding
houses; group homes; workplaces; respite care services; day centres; recreation programs; mental health
facilities; hostels; supported accommodation; prisons; schools; out of home care; special schools;
boarding schools; school buses; hospitals; juvenile justice facilities; disability services; and aged care
facilities; and

(b) 'violence, abuse and neglect' is broadly understood to include, but is not limited to: domestic,
family and interpersonal violence; physical and sexual violence and abuse; psychological or emotional
harm and abuse; constraints and restrictive practices; forced treatments and interventions; humiliation
and harassment; financial abuse; violations of privacy; systemic abuse; physical and emotional neglect;
(passive neglect; and wilful deprivation.

Question agreed to.

Rural and Regional Affairs and Transport References Committee

Reference

Senator WHISH-WILSON (Tasmania) (15:36): I seek leave to amend general business
notice of motion No. 2 standing in my name.

Leave granted.

Senator WHISH-WILSON: I move the motion as amended:

That the following matter be referred to the Rural and Regional Affairs and Transport References
Committee for inquiry and report by 1 December 2015:

(a) an assessment of current demographic trends and the changing role of regional capitals;

(b) an analysis of current funding provided to regional capitals;

(c) an analysis of the benefit of additional funding regional capitals could receive based on population,
demand for services and their strategic importance for the region, state or country;

(d) investment challenges and opportunities to maintain or grow regional capitals, including
infrastructure, community and human services, communications and natural resources;

(e) incentives and policy measures that would support sustainable growth in regional capitals;

(f) the impact the changing environment will have on regional capitals; and

(g) any other related matters.

Question agreed to.

Education and Employment References Committee

Reference

Senator KIM CARR (Victoria) (15:37): I, and on behalf of Senators Xenophon, Lambie,
Muir, Rhiannon and Lazarus, move:

That the following matters be referred to the Education and Employment References Committee for
inquiry and report by 17 March 2015:

(a) the principles of the Higher Education and Research Reform Bill 2014;

(b) alternatives to deregulation in order to maintain a sustainable higher education system;
(c) the latest data and projections on student enrolments, targets, dropout rates and the Higher Education Loans Program;
(d) structural adjustment pressures, and the adequacy of proposed measures to sustain high quality delivery of higher education in Australia's regions;
(e) the appropriateness and accuracy of government advertising in support of higher education measures, including those previously rejected by the Senate;
(f) research infrastructure; and
(g) any other related matters.

Question agreed to.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:38): I move:
That, on Wednesday, 11 February 2015, on its presentation to the Senate, the Prime Minister's annual report on Closing the Gap and accompanying ministerial statement be considered for not more than 2 hours.

Question agreed to.

BILLS

Criminal Code Amendment (Animal Protection) Bill 2015

First Reading

Senator BACK (Western Australia) (15:38): I move:
That the following bills be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes.

Question agreed to.

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

Question agreed to.

Bill read a first time.

Second Reading

Senator BACK (Western Australia) (15:39): I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

I thank the Senate for the opportunity to introduce the Criminal Code Amendment (Animal Protection) Bill 2015. This bill amends the Criminal Code Act of 1995.

Malicious cruelty to animals is illegal and is totally unacceptable to the Australian community. If such action has occurred then it is in the interests of the animal or animals at risk and the wider community that such an event is investigated with the least possible delay.
The bill defines malicious cruelty to animals as unlawful activity that is engaged in for the purpose of inflicting unnecessary pain, injury or death upon domestic animals.

The animal protection bill is aimed at enhancing the protection of domestic animals by ensuring that evidence of abuse or malicious cruelty is reported to relevant authorities as soon as practicable and that photographic or other visual evidence is presented to these same authorities without unreasonable delay.

Secondly, the bill makes it illegal for a person to engage in conduct that destroys or damages property used in carrying on a lawful animal enterprise, or belonging to a person who carries on, or is otherwise connected with, an animal enterprise. Such action has the capacity to place at risk the safety and wellbeing of animals housed or husbanded in such a facility as well as to interfere in the lawful activities of the person or persons conducting this enterprise.

Division 383 of the bill deals with failure to report malicious cruelty to animals.

The bill seeks to amend the Criminal Code by ensuring a person who observes and makes a visual record of any activity they believe to be malicious cruelty to an animal or animals has committed an offence if firstly, they fail to alert the relevant authority with responsibility for animal welfare and secondly if they fail to provide to this authority the visual record they have taken of the event.

The person making the record must advise the relevant authority within one business day and hand over the visual record within five business days. This would take into account a circumstance in which the person observing the incident in a remote location has adequate time to make contact with the relevant authority.

There can be no reasonable excuse to delay the reporting and subsequent provision of a confirmatory record of an event of alleged animal cruelty in achieving the outcome of limiting malicious cruelty.

Visual evidence of malicious cruelty, such as photographic material, is a powerful weapon to support the observation of the person observing the incident. Such evidence could be of value in any subsequent prosecution of a person or persons alleged to have inflicted malicious cruelty.

The person taking the visual record is not bound in any way to make such a judgement. All that is necessary is that they believe the act observed and recorded is one of malicious cruelty. In such a situation they are obliged to report this event and provide the visual imagery as evidence within the timeframes identified in the bill.

Circumstances do occur when a routine act of animal husbandry may appear to an observer to be malicious when it is undertaken for sound health or disease preventative purposes or to ensure a safe working environment.

At all times the primary objective of this division of the bill is the welfare of the animals believed to be the victims of malicious cruelty.

It is simply unacceptable to delay action being taken to stop an act of malicious cruelty to an animal or animals for the purposes of publicity or to maximise media impact.

I reject the argument that circumstances may favour a case in which someone may want to accumulate a number of incidences of alleged malicious cruelty before drawing this to the attention of authorities.

The case against a perpetrator is strengthened if a number of alleged incidences are recorded and reported while still acting each time to attempt to discourage or prevent further cruelty.

The relevant authority in the jurisdiction where an alleged activity has occurred is responsible for establishing the accuracy of an alleged act of malicious cruelty, to establish if such an act was in fact malicious and, if satisfied, to take the necessary action under the statute by which the officer is authorised to act.

Division 385 of the bill deals with interference with the conduct of lawful animal enterprises.
Australians value highly privacy and the right to engage in lawful activity without the threat of intrusion or interference by others.

This bill penalises anyone who seeks to destroy or damage property or cause fear of death or serious bodily injury to any person engaged in the conduct of a lawful animal enterprise.

It will be an offence if a person threatens, harasses or intimidates anyone associated with the conduct of a lawful animal enterprise with the intention of interfering with the carrying on of the enterprise. This includes targeting a person operating the enterprise or their close family members, their staff and/or contractors.

Furthermore any person who engages in criminal trespass, or who damages or vandalises property is guilty of an offence under the provisions of this bill.

Under the provisions of the bill, a range of penalties apply depending on the extent of economic damage and/or bodily injury inflicted.

Illegal entry to an animal enterprise has the potential to cause significant adverse impact on animals as well as humans attending to them. Many animal enterprises are created as minimal disease facilities in which the animals have little or no resistance to many organisms including viruses, bacteria or parasites endemic in the wider population for that species.

Invasion of such housing can expose these animals to the threat of introduced diseases leading to their loss of amenity or productivity, infectious disease or death.

In 2014 vandals gained access to a cattle and sheep enterprise in Western Australia during heatwave conditions. This facility was engaged in constitutional trade and commerce. The activists cut supply of water for livestock, destroyed equipment and severed hydraulic brake lines on vehicles used for transporting animals. Had these actions not been detected and remediated by diligent operators, both human and animal lives would have been placed at significant risk.

There have been recent examples where activists allegedly entered the roof space of an intensive piggery in the late evening to place monitoring equipment in the roof of the area in which sows give birth. Not only was this action dangerous to the individuals themselves but could have caused significant stress to the animals at a critical stage in their reproductive cycles.

Significant biosecurity risks could result from illegal entry by unauthorised persons into a high-security facility in which a lawful animal enterprise is being operated.

The Australian economy benefits as a result of being free of many devastating animal and bird diseases. This is best evidenced by the significant cost, and often inconvenience, experienced by people entering the country at our airports and ports.

This legislation gives emphasis to the importance of maintaining vigilance and it highlights the risk to our international reputation and the livelihoods of countless Australians if a breakdown of quarantine was to occur through the misguided attempts of any person to breach the security of such facilities and the protection of animals housed within.

The wider community has no tolerance for those who illegally invade private property for whatever purpose. No person has the right to endanger people going about their legal business on their own property or that of their employer.

The bill is not designed to apply to the exclusion of a law of a state or a territory to the extent that the law is capable of operating concurrently with the bill.

Division 383 does not seek to interfere with or limit or infringe on any constitutional doctrine of implied freedom of political communication or to affect the law relating to legal professional privilege.

The provisions of the bill do not apply to conduct which is peaceful picketing or a legally sanctioned peaceful demonstration. It will have no application with any action being undertaken in good faith related to, for example, an industrial dispute or other industrial matter.
The bill is designed to protect the activities of law-abiding citizens engaged in lawful enterprise.

It is a sad indictment that, in a country such as Australia, it becomes necessary to introduce laws to protect animals and our citizens against a minority who believe they are above the law, who seek to take the law into their own hands, to invade the privacy of those engaged in their own lawful pursuit or who would use some activist zeal to put lives and livelihoods at risk.

A person who withholds from authorities footage of suspected malicious cruelty to animals for days, weeks, or even months, is not acting in the best interests of animal protection.

The need to take immediate action to minimise risk to an animal, to facilitate its removal from danger, and to ensure other animals are not similarly put at risk, is compelling.

I commend the bill to the Senate.

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

Leave granted; debate adjourned.

COMMITEES
Joint Standing Committee on Foreign Affairs, Defence and Trade
Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:40): At the request of Senator Fawcett, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold public meetings during the sittings of the Senate, as follows:

(a) Monday, 2 March 2015, from 5.30 pm, to take evidence for the committee's inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;
(b) Tuesday, 3 March 2015, from 12.45 pm, to take evidence for the committee’s inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region;
(c) Tuesday, 3 March 2015, from 5.30 pm, to take evidence for the committee's inquiry into government support for Australian defence industry exports;
(d) Wednesday, 4 March 2015, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relationships with countries of the Middle East;
(e) Monday, 16 March 2015, from 5.30 pm, to take evidence for the committee's inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;
(f) Tuesday, 17 March 2015, from 12.45 pm, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region;
(g) Tuesday, 17 March 2015, from 5.30 pm, to take evidence for the committee's inquiry into government support for Australian defence industry exports;
(h) Wednesday, 18 March 2015, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relationships with countries of the Middle East;
(i) Monday, 23 March 2015, from 5.30 pm, to take evidence for the committee's inquiry into the role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region;
(j) Tuesday, 24 March 2015, from 12.45 pm, to take evidence for the committee's inquiry into human rights issues confronting women and girls in the Indian Ocean – Asia Pacific region; and
(k) Wednesday, 25 March 2015, from 11 am, to take evidence for the committee's inquiry into Australia's trade and investment relationships with countries of the Middle East.

Question agreed to.

CHAMBER
MOTIONS

Greste, Mr Peter

Senator SEIWERT (Western Australia—Australian Greens Whip) (15:40): At the request of Senator Milne, I move:

That the Senate—
(a) welcomes the Egyptian Government's decision to unconditionally release and deport Australian journalist, Mr Peter Greste;
(b) recognises the tireless work of the Greste family, the Australian Government, the Ambassador and embassy staff in Cairo, and supporters of free press in Australia and around the world in advocating for the release of Mr Greste; and
(c) calls on the Egyptian Government to uphold freedom of the press and ensure the just and timely release of Mr Greste's Al Jazeera colleagues, Mr Mohamed Fahmy and Mr Baher Mohamed.

Question agreed to.

Kangaroo Meat and Hide Industry

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:41): I move:

That the Senate recognises Australia's ability to develop and expand the kangaroo meat and hide industry, which can create jobs and build wealth for communities across rural and regional Australia.

Question agreed to.

Ovarian Cancer

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:41): I, and also on behalf of Senators Bilyk, Polley and Moore, move:

That the Senate—
(a) notes:
(i) that February is Ovarian Cancer Awareness Month, which aims to raise awareness among Australian women of the symptoms of ovarian cancer,
(ii) that each year 1 400 Australian women are diagnosed with ovarian cancer, and more than 1 000 will die from the disease – that is one woman every 8 hours, and
(iii) with concern, that the prognosis for women diagnosed with ovarian cancer is generally poor due to the advanced stage of most ovarian cancers at the time of diagnosis;
(b) acknowledges that there is no screening program or detection test for ovarian cancer, and that the Pap smear will not detect the disease;
(c) recognises that:
(i) ovarian cancer is not a silent disease and that all women experience symptoms, even in the early stages of the cancer, and
(ii) the four most common symptoms are:
(A) abdominal or pelvic pain,
(B) increased abdominal size or persistent abdominal bloating,
(C) needing to urinate often or urgently, and
(D) difficulty eating or feeling full quickly;
(d) understands that every Australian woman needs to know the symptoms of ovarian cancer; and
(e) notes the need for greater focus on education and additional research funding to help Australian scientists to find early detection markers and more effective treatments for this disease.

Question agreed to.

Ovarian Cancer

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (15:42): At the request of Senator Cash and Senator Waters, I move:

That the Senate—

(a) notes that:

(i) February 2015 marks Ovarian Cancer Awareness Month,

(ii) Ovarian Cancer Awareness Month is run every year by Ovarian Cancer Australia and its purpose is to raise awareness of the signs and symptoms of ovarian cancer and to offer support for the women, their families and friends affected by ovarian cancer, and

(iii) Teal Ribbon Day is commemorated on Wednesday, 25 February 2015, and is a day when all Australians are invited to wear a teal ribbon to show support for ovarian cancer awareness, support and research;

(b) recognises that:

(i) ovarian cancer is one of the most commonly diagnosed gynaecological cancers in Australia, with more than 1 300 Australian women diagnosed with ovarian cancer each year, which equates to almost four women each day,

(ii) ovarian cancer has a low survival rate compared to other women's cancers, with more than two-thirds of ovarian cancers being advanced at the time of diagnosis and therefore being difficult to treat,

(iii) there are no screening tests for ovarian cancer that provide early detection and many Australian men and women remain unaware of the symptoms of this insidious disease, and

(iv) from 2000 to 2014, the National Health and Medical Research Council allocated over $97 million in funding for research into ovarian cancer, and over $11 million is to be allocated in 2015 to 2018; and

(c) commends Ovarian Cancer Australia for its continuing efforts to raise awareness of the signs and symptoms of ovarian cancer, and to provide support to those Australians affected by ovarian cancer.

Question agreed to.

Trade

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:43): At the request of Senator Wong, I move:

That—

(a) the Senate—

(i) notes the Abbott Government's failure to keep Parliament and the public informed of the nature and progress of its trade negotiations,

(ii) expresses concern that the Abbott Government's lack of transparency diminishes industry and community engagement and undermines support for trade liberalisation,

(iii) draws to the attention of the Minister representing the Minister for Trade and Investment the order of the Senate of 11 December 2013 requiring bilateral and plurilateral trade agreements to be tabled at least 14 days before signing, and
(iv) requires the Minister representing the Minister for Trade and Investment to make a statement in the Senate on the status of negotiations on the proposed Trans-Pacific Partnership no later than 4 pm on Thursday, 12 February 2015;

(b) at the conclusion of the statement a senator may move to take note of the statement; or

(c) if no statement has been made by the Minister representing the Minister for Trade and Investment by 4 pm on Thursday, 12 February 2015, the Leader of the Opposition in the Senate (Senator Wong) may immediately move a further motion relating to the Minister's failure to comply.


The PRESIDENT: Is leave granted? Is leave granted? Leave is granted for one minute. It does help me if someone gives me that indication fairly quickly.

Senator PAYNE: The Trans-Pacific Partnership Agreement negotiations are at an advanced stage and only the most difficult issues remain. Australia is working hard to conclude negotiations as soon as possible; however, we will not sacrifice a comprehensive, ambitious TPP outcome in order to obtain a quick deal.

TPP countries, including Canada, Mexico and Japan, accounted for a third of Australia's total trade in 2012-13.

The 12 TPP parties have agreed to keep the negotiating documents, including the text, confidential. Pre-emptive and unilateral release of such confidential information would damage Australia's standing as a negotiating partner. Australia will be in a position to publicly release the text when all parties agree to do so, not before.

The Senate can be assured that, once the text of trade agreements is ratified between parties but before it is ratified by the Australian government, it will be made public and it will be subject to parliamentary scrutiny through the well-established review processes through the Joint Standing Committee on Treaties.

I note the Department of Foreign Affairs and Trade has provided over 700 public consultations on the TPP negotiations and is open to receive further submissions. (Time expired)

Senator WHISH-WILSON (Tasmania) (15:45): Mr President, I seek leave to make a short statement.

Leave is granted for one minute.

Senator WHISH-WILSON: We do not necessarily support the wording of this motion, but we do support the intent to actually get debate in this chamber and some transparency around what is the biggest trade deal in this country's history, totally negotiated in secret, behind closed doors, and pushed by special interests in both the US and other countries around this region. It is totally unacceptable to Australians in this country that a trade agreement that will change the laws in this country, that will impact on significant matters of public interest, is being negotiated behind closed doors by DFAT officials where only one or two senior ministers on this government's front bench know the details of this deal. This is a huge issue around the world. It is in the US, as it is in Europe. The European Parliament has recently voted to give the text to the public before it is signed. This will be signed by cabinet. Parliament will not be able to change it. You vote for or against it. It is simply unacceptable and the Australian public are starting to make their voice heard. (Time expired)
The President: The question now is that the motion moved by Senator Urquhart on behalf of Senator Wong be agreed to.

The Senate divided. [15:50]

The President—Senator Parry

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

AYES

Bullock, J.W.
Carr, KJ
Conroy, SM
Di Natale, R
Hanson-Young, SC
Lazarus, GP
Ludlam, S
Lundy, KA
Marshall, GM
Milne, C
Muir, R
Peris, N
Rice, J
Singh, LM
Urquhart, AE (teller)
Waters, LJ
Wong, P
Xenophon, N

NOES

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Fawcett, DJ
Fifield, MP
Leyonhjelm, DE
Mason, B
McKenzie, B
O’Sullivan, B
Payne, MA
Ronaldson, M
Ryan, SM
Seselja, Z
Smith, D

Bernardi, C
Bushby, DC (teller)
Cash, MC
Edwards, S
Fierravanti-Wells, C
Johnston, D
Macdonald, ID
McGrath, J
Nash, F
Parry, S
Reynolds, L
Ruston, A
Scullion, NG
Sinodinos, A
Williams, JR

PAIRS

Bilyk, CL
Brown, CL

Heffernan, W
Day, R.J.
Wednesday, 11 February 2015  SENATE

PAIRS

Faulkner, J  Cormann, M
McEwen, A  Brandis, GH
Polley, H  Abetz, E

Question agreed to.

White Sharks

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:53): I move:

That the Senate—

(a) notes that:

(i) the Western Australian Government has implemented a new catch and kill policy which applies to the International Union for Conservation of Nature red-listed and federally-protected white sharks, and

(ii) the new ‘Serious Threat Guidelines’ (the guidelines) enable a shark to be caught and killed simply for being detected in a location over a number of days, without requiring other preventative actions to be implemented first, such as closing beaches, and allow the continued use of indiscriminate capture measures such as baited drum lines;

(b) condemns the guidelines of the Western Australian Government; and

(c) calls on the Minister for the Environment (Mr Hunt) not to grant any further exemptions to the Western Australian Government under section 158 of the Environment Protection and Biodiversity Conservation Act 1999 that would allow Western Australia to instigate the guidelines.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:53): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute, Senator Fifield.

Senator FIFIELD: On behalf of Minister Hunt, I should point out that this is another example of the Greens ignoring the facts and wasting the Senate's time. An exemption is not required under national environmental law. It is up to the WA government to determine whether implementing their shark policy would have a significant impact. This has been the case since the Australian parliament established the Environment Protection and Biodiversity Conservation Act in 1999, into law in 2000. The Australian government's one-stop-shop policy continues to maintain these high environmental standards. We suggest that the Greens take the time to properly research the EPBC Act before moving motions in the future. This government is committed to ensuring a proper balance between protecting public safety and protecting the environment.

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:54): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute, Senator Siewert.

Senator SIEWERT: This is another example of the Minister for the Environment, Minister Hunt, seeking to wash his hands of his responsibilities under the EPBC Act for the protection of white sharks. The implementation of serious threat policies or guidelines could in fact result in more deaths of white sharks—

Government senators interjecting—

CHAMBER
Senator SIEWERT: President, the people on this side of the chamber are speaking so loudly I cannot hear myself think.

The PRESIDENT: Order!

Senator SIEWERT: More sharks could end up being killed under this policy than could have been killed under the shark cull proposal of the Barnett—

Senator Ian Macdonald interjecting—

Senator SIEWERT: Senator Macdonald, could you please be quiet!

The PRESIDENT: Order, Senator Siewert. All senators, especially senators not in their seats, should not interject at any time. Senator Siewert has the call and she has the right to be heard in silence.

Senator SIEWERT: More sharks could end up being taken under this policy than taken under the cull, when the WA EPA clearly said that the cull should not go ahead. So here we have a policy, endorsed by the federal government, that could see more protected sharks being killed than under the revolting cull policy. It should be condemned by this chamber. *(Time expired)*

Question negatived.

**DOCUMENTS**

Closing the Gap

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (15:56): On behalf of the Prime Minister, I table the annual report on Closing the Gap and accompanying ministerial statement. I seek leave to move a motion relating to the consideration of the document.

Leave granted.

Senator SCULLION: I move:

That the speaking times relating to a motion to be moved to the documents shall be not more than 10 minutes.

Question agreed to.

Senator SCULLION: I move:

That the Senate take note of the documents.

The Closing the Gap report is both a lesson in how bad things have become and a vindication of how necessary the changes are that we are making for the future of each and every Aboriginal and Torres Strait Islander and family. When we compile these reports year after year we are reminded of the systemic failure, as was stated in the national apology, of the laws and policies that inflicted profound grief, suffering and loss on Aboriginal and Torres Strait Islanders over generations. Although there have been some improvements in education and health outcomes for Aboriginal and Torres Strait Islander people, the report shows, frustratingly, that most of the targets are not on track to be met. Indigenous life expectancy and mortality rates have improved slightly, but we are still not on track to meet the 2031 target. Progress has slowed on the Indigenous child mortality target, but it is broadly on track to be met by 2018. We continue to roll out access to early childhood education in remote communities and all jurisdictions have committed to achieving 95 per cent enrolment this
year. Whilst we are on track to halve the gap in year 12 attainment by 2020, no overall progress has been made on the target to halve the gap in reading, writing and numeracy achievements for Indigenous students by 2018. It is further proof that we must get children to go to school.

There has been no progress so far on the employment target and I worry that we may be going backwards. In 2008, both sides of parliament committed to redress the inequality and disadvantage in the daily life of many Aboriginal and Torres Strait Islanders and their communities. We are all committed to a future where we would harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap and a future where we embrace the possibility of new solutions to enduring problems where old approaches have failed. Despite the goodwill of all sides of politics, old approaches have failed. So, for the past year we have been living up to our commitment to continue our efforts to close the gap by putting in place something better.

To get greater traction on longstanding challenges in Indigenous affairs, investment needs to be focused on priority actions. It needs to be better targeted on doing things that have been proven and on measurable impacts on Indigenous outcomes. The Indigenous Advancement Strategy focused government investment on the priority areas of getting kids to school, getting adults into work and making communities safer. I have no doubt that getting traction in these areas will help deliver real, practical, demonstrable improvements in the lives of Aboriginal and Islander people, their families and their communities.

We have significantly changed the approach to the Indigenous affairs policy. The new Indigenous Advancement Strategy is designed to be nimble, taking away the silo effect and the ineffectiveness and confusion for users of 150 programs. More importantly, it is responsive to community needs and does not impose directives from this place. The whole structure of the bureaucracy is being overhauled, so the IAS is supported by a new network of regional offices and staff located in strategic locations across the country, and bureaucrats work with locals so that there are agreed rather than imposed outcomes. Results from the first Indigenous Advancement Strategy funding round will be made known in March this year. We are involving Indigenous people in the design and delivery of local solutions to local challenges. But some of these issues that affect communities across the country cannot be fixed in isolation or, in fact, single-handedly, thus requiring all of us to give a maximum effort, especially school, education and jobs.

Children must go to school. The school attendance statistics are variable, as you would expect them to be, but truancy is an issue right across Australia. Indigenous attendance rates at government schools are currently lower than for other students for years 1 to 10 in all states and territories. Non-attendance is more acute in remote and very remote locations. The Remote School Attendance Strategy has made an important start on this. More than 410 school attendance officers and more than 100 school attendance supervisors now operate in the 69 priority RSAS communities and 73 schools. I frequently walk out with the school attendance officers and see how it all works in a community. I did it with the Prime Minister when we were in Arnhem Land last September, and I have done it in several more remote schools in January.

The Remote School Attendance Strategy is continuing to show promising results in the Northern Territory and Queensland. In term 3 of 2014 there was a 13 per cent rise in the
number of children attending school across 29 Northern Territory government RSAS schools and an eight per cent rise in the number of children attending the 11 Queensland government RSAS schools compared with term 3 of 2013. Good education is a stepping stone into a job. Whether you live in a city, a town, a regional area or a remote or very remote area, we acknowledge that we must help adults and young people move successfully from school into either higher education or training and into stable meaningful work.

The key aim is to provide real pathways to employment. This is particularly necessary in remote areas. Over half of Aboriginal and Torres Strait Islanders in remote areas are welfare reliant. Too many people simply do not have enough to do. It is worse in very remote areas, with nearly two-thirds of people reliant on welfare. To give these people a chance for something better, Work for the Dole will be introduced into remote communities from July 2015, with the majority of job seekers to undertake work-like activities five days a week.

Guaranteed employment and job-specific training is the aim of vocational training and employment centres—VTECs—which build on the GenerationOne model. There are 28 VTECs around Australia and another VTEC in the pipeline. VTECs end the training for training's sake cycle and will provide guaranteed jobs at the end of training for over 5,400 Indigenous people across Australia. Even since July, over 1,300 people have commenced with VTEC, with 921 Indigenous people now in jobs at the other end of the VTEC process. We are on track to more than 5,000 individuals trained into real jobs by the end of this year. VTECs are part of the government push to create jobs for Indigenous Australians, as is Work for the Dole.

Just as going to and talking with communities, in my view, is far more instructive than reading a report, stories about people are more poignant than any statistic. Last year I visited Real Futures, the provider of the Kempsey VTEC. Real Futures is an Indigenous business that is proving to be successful at getting people off welfare and into valuable, meaningful work. One of those people who is getting trained and is getting a job is Pam Matheson. Pam has partly completed her Certificate IV in Community Services. Now, while she does that, Pam is working to train and coordinate volunteers to yarn with isolated, disabled or lonely Aboriginal people, encouraging them to reconnect with their community. This is part of the TeleYARN program. Training and a job are the two things that have changed Pam's life. Those two things will also change the lives and the future for her three daughters, and because she is motivated to be the very best role model she can be these two things will also change a community.

Pam's story is one example of what we want for every Indigenous Australian who is out of work. We are working with providers, businesses and big corporates across Australia to increase the number of available positions for Indigenous people, and we are leading from the front. As the Prime Minister announced in that other place as part of the government's initial response to the recommendations of the Forrest review, we aim to increase Indigenous employment in the Commonwealth public sector. The government will also strengthen the Commonwealth's Indigenous procurement policy, using the Commonwealth's $39 billion procurement budget to encourage Indigenous businesses in employment. In two multimillion dollar contracts the Department of Defence has engaged Indigenous owned company Pacific Services Group Holdings to refurbish existing marine infrastructure and buildings at HMAS Waterhen in Sydney and as the managing contractor for stage 1 of the planning phase of the critical infrastructure recovery project at Garden Island. Such massive contracts and job
opportunities are a sign of how serious we are about including Indigenous people and businesses in the economy.

As the apology said, it will take both mutual respect and mutual responsibility to close the gap. This last year has been about getting the foundations of mutual responsibility right and further developing the mutual respect. It is too soon to quantify the impact of the changes we are making. As I travel around the country and I talk to Aboriginal and Islander people I am reminded that they each deserve our respect and our attention. Whilst we may want speedy statistics, speedy statistics actually represent people—people who need a sustained change over time. For each of these people we must stay the course, get children to school, adults into work and make our communities safer so Aboriginal and Torres Strait Islander people have the chance to build better lives for themselves and their families.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:07): Let me begin by acknowledging the traditional owners of the land on which we meet today and on which this parliament sits. I pay my respects to elders past and present. I welcome Prime Minister Abbott's statement and his presentation of the seventh annual Closing the Gap report to the parliament, and I also acknowledge the role of former Prime Minister Kevin Rudd in establishing the Closing the Gap process and the role of prime ministers Rudd and Gillard in presenting these reports in earlier years.

Aboriginal and Torres Strait Islander people have been grievously discriminated against since Europeans arrived in Australia more than 200 years ago. They have been dispossessed and disempowered. They have had their land, their languages, their culture and their children taken from them. They have suffered deeply entrenched systemic disadvantage for generations. Overcoming the terrible legacy of disadvantage is an urgent national project. It requires the marshalling of significant resources and a strong, consistent and focused effort. It is also a long-term project; it must be sustained and maintained for years to come. And it is a project for all of us; it requires commitment across the political divide and across the community.

Our nation prides itself on an egalitarian spirit, on its notion of the fair go and its sense of decency. But this is no egalitarian land when there is an unemployment rate of 21 per cent for our Indigenous people. This is no egalitarian land when the median household income of Aboriginal and Islander adults is half that of non-Indigenous adults. And this is no egalitarian land when Aboriginal juveniles are 24 times more likely than non-Aboriginals to be in detention. There can be no fair go that excludes the original inhabitants of this country. And there can be no sense of decency when Aboriginal children are nearly twice as likely to die before the age of five as non-Indigenous children.

This is why the Closing the Gap reports are important. They represent an annual stocktake of progress towards achieving a fair go for our first Australians. They provide a yardstick against which we, as political leaders, must measure ourselves. They require us—all of us—to match our words with deeds, our aspirations with actions and our sentiments with policies and programs that are well designed and which deliver real outcomes. This is why Labor has urged, and will continue to urge, this government to reverse the $500 million which was cut from Indigenous programs in last year’s budget. These cuts have real effects on existing services in areas like preventive health, legal aid and family and children's centres.
The Closing the Gap approach owes a great deal to former Labor Prime Minister Kevin Rudd, who opened the 42nd Parliament in 2008 with an apology to the stolen generations and who delivered the first Closing the Gap report a year later. In 2008 the Council of Australian Governments established a series of targets to reduce the gap in Indigenous disadvantage. As we all know, one of the most important aspects of this approach is the focus on evidence and data to monitor outcomes. At COAG’s request, the Productivity Commission has been producing regular *Overcoming Indigenous Disadvantage* reports, which collect mountains of data on our progress in closing the gap.

The latest *Overcoming Indigenous disadvantage* report was released in November last year. It contains both positive news and sobering news. The positive news is that the efforts of recent years are resulting in improvements in the areas of health, post-secondary education and employment. The gap in life expectancy between Indigenous and non-Indigenous Australians has narrowed over recent years. Yet, it is still too wide. In 2010-12 life expectancy for Indigenous males was 69.1 years compared to 79.7 for non-Indigenous males. Life expectancy for Indigenous females was 73.7 years, but for non-Indigenous females it was 83.2. Fewer Indigenous children are dying. Mortality rates for Indigenous children have improved significantly over the period 1998 to 2012. For infants under 12 months of age, mortality rates have more than halved from 14 deaths for every 1,000 live births in 1998 to five deaths per 1,000 births in 2012.

The *Overcoming Indigenous disadvantage* report also shows that post-secondary education outcomes have improved, with a marked increase in the proportion of young Indigenous people who are finishing year 12 and going on to further education. It is also heartening to see basic economic outcomes improving—higher rates of full-time and professional employment, higher incomes, lower reliance on income support and increased home ownership for many Indigenous Australians. And that is good news. It also shows that the national effort that has been underway for the last decade or so is achieving results.

But, as I said, the report has sobering news as well. It found that in some areas we are not improving but just marking time, and that in other areas the gap between Indigenous and non-Indigenous Australians is actually growing wider. Despite the improvements in post-secondary education, in schooling there has been virtually no change since 2008 in the proportion of Indigenous students achieving minimum standards in reading, writing and numeracy. Despite the improvements in life expectancy and child mortality, rates of chronic disease and disability remain high amongst our first peoples. Mental health outcomes have not improved and the incidence of self-harm has increased. And legal and justice outcomes for our Indigenous people have deteriorated. Imprisonment rates for adults increased by 57 per cent between 2000 and 2013, and juvenile detention rates have increased sharply. So the news is indeed sobering. It also provides an indication of where we need to focus and redouble our efforts and to re-evaluate existing policies.

These statistics and many more are an essential part of the Closing the Gap approach. By measuring outcomes, all of us are held accountable—policymakers, governments and legislators. We are also provided with information that should ensure that the design and implementation of policies can be improved. But just as important as the quantitative data is the qualitative data. A valuable feature of the *Overcoming Indigenous disadvantage* report was its focus on the things that work—case studies of individual initiatives which have been
rigorously evaluated and shown to be successful. What these show us is that well-designed programs can and do make a difference. We can make a difference.

But behind the statistics, behind the case studies and, indeed, behind the speeches today there are so many individual stories of people across this nation making a difference—whether it is the hundreds of thousands of community leaders, health workers, teachers, social and community workers and others around Australia, whether it is my friend and colleague Senator Nova Peris or whether it is people like Tanya Hosch and Tim Gartrell from Recognise Australia and people like Tom Calma and Melinda Cilento, the co-chairs of Reconciliation Australia. As I have said, there are so many people who work in our communities to redress this disadvantage. There are so many Australians who work to improve the lives of our Indigenous people.

The Prime Minister said today: 'We know that, until Indigenous Australians fully participate in the life of our country, all of us are diminished.' And the Leader of the Opposition said: 'A great nation includes everyone, and a good society leaves no-one behind.' I endorse the sentiments of both the Prime Minister and the Leader of the Opposition and I again reaffirm in this place the opposition's commitment to the great national project of Closing the Gap.

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (16:15): I too rise to make a contribution on the Closing the gap report. Much is made in this place of bipartisan or, as I like to call it, multipartisan support for closing the gap in Aboriginal life expectancy and disadvantage. While we the Greens are fully committed to that, that does not mean that we cannot and should not uncritically accept what is happening and the policy in this place that the government of any persuasion develops to address the gap on life expectancy for Aboriginal and Torres Strait Islander peoples. It is in that context that I make my contribution to this debate, because we do not think that the current government has the policy settings right. The Prime Minister himself said that much more work is needed because this seventh Closing the gap report is profoundly disappointing. I very rarely agree with this Prime Minister, but I do agree with him on that point, because it is profoundly disappointing. But, more importantly, the policies that this government have put in place are profoundly disappointing.

We have already heard some of the statistics, and I will probably cite a few more. But statistics can be used to blind people to what is actually happening out there. The Minister for Indigenous Affairs said that the government are trying to do something better. I question whether things are being done better. I think that people are being kind when they say, 'We've seen a year of turmoil in Aboriginal and Torres Strait Islander issues.' We do not know what is going on with the funding. We have seen funding cuts. They can quote all the figures they like, but the simple fact is that funding has been cut from Indigenous programs. What is more, in many cases we do not actually know where those funding cuts have happened because we will not know the outcomes of the Indigenous advancement strategy tender process until March. The government would like you to think that there has been a considered approach to the way the funding has been cut. There has not been. There have been cuts across programs.

We have already seen some significant cuts that we do know of, and that includes the $534.4 million in cuts overall that has come out of the programs. There has been a $168 million cut out of health programs alone. I know that my colleague Senator Wright will have
a lot to say around this issue in particular when she makes her contribution, but we have seen $34 million worth of cuts to legal aid and policy reform programs. There have been cuts to the national Aboriginal Family Violence Prevention Legal Services program of $3.6 million over the next three years.

The government claims that in fact there have not been any cuts there and that those services can tender through the IAS. The simple fact is we do not know. Those services and those programs are suffering now. Certainly the legal aid programs are being cut. In fact, when I asked in estimates about the cuts to those legal aid programs and reforms, particularly of policy, of course the government said that they would not affect frontline services. But I asked the Social Justice Commissioner Mick Gooda about that, and he said, 'Yes, of course it will affect the delivery of legal aid on the ground, and I am getting feedback constantly about the impact those cuts have had.'

As evidenced from this Closing the gap report, some things have got worse. I will address the issue around chronic illness later. Many things have got worse. We are not on track for progress on closing the gap in life expectancy in a generation. Yes, there has been some small progress, but clearly we are not on track to meet that target. We are on track—thank goodness!—to halve the gap in mortality rates for Indigenous children under five within a decade. We are on track for that. That is great. We have not met the target to ensure access for all Indigenous four-year-olds in remote communities to early childhood education. We are not on track to halve the gap in reading, writing and numeracy achievements for Indigenous students. We are not on track to halve the gap in employment outcomes between Indigenous and non-Indigenous Australians. We will not meet our commitments to close the gap unless we significantly change what we are doing.

I put to this place that going to a billionaire, Mr Forrest, to ask him what we should be doing is not the right thing to do either. That is a wish list from a billionaire about what we should be doing. Outsourcing policy development in that manner is not the approach that we should be taking. He—surprise, surprise!—recommended more of what the government wants to do—for example, income management. We do not need ideological beliefs rather than evidenced based policies. Income management does not work. We have had report after report about the fact that it does not work. The latest evaluation could not find any substantive evidence of the program causing significant changes relative to its key policy objectives, including changing people's behaviour. There is no evidence of an overall improvement in financial wellbeing, including reduction in financial harassment or improved financial management skills. More general measures of wellbeing in the community show no evidence of improvement, including for children. Rather than building capacity and independence, for many, the program has acted to make people more dependent on welfare. It does not work, yet we are still doing it. That is not doing something new; that is in fact a continuation of more failed programs. We have not managed to progress cooperation between the states and the Commonwealth after the end of the national partnership agreements.

One of the areas where we have made progress, thank goodness, is in cutting smoking—and what have the government done? They cut funding to address smoking, and they will come back and try and tell you, 'We haven't cut funding to smoking.' Well, they have cut funding. You go and talk to any of the services that are delivering that program and they will tell you what impact that is having. They have cut that particular program.
The impacts of the funding cuts compound other cruel government measures, around income support, for example. The Aboriginal and Torres Strait Islander Social Justice Commissioner, when he delivered his report last year, did not pull his punches when he made comment about the impact of these cuts. He talked about the lack of consultation, where the Assistant Minister for Health claims there is significant consultation. In answer to my question earlier this afternoon about the health budget, she said there was a lot of consultation. The commissioner for social justice found that there was not. He found that the consultation on the government's Indigenous Advancement Strategy had been scant, with minimal involvement of Aboriginal and Torres Strait Islander peoples. The lack of a consultation process, he said, was concerning. He described the first year of the Abbott government in Indigenous affairs as a year characterised by deep funding cuts, the radical reshaping of existing programs and services and the development of new programs and services, and said that the lack of clarity and muddled narrative was deeply concerning. It is no wonder that we have gone backwards in closing the gap.

Every year, I table in this place the Close the Gap steering committee report. It used to be called the 'shadow' report, but now it is called the Progress and priorities report 2015. They make a number of recommendations in their report that I recommend that the government take on board and read very carefully. If you read it, the key narrative that runs through it, besides the issues around not meeting the Close the Gap targets, is the need for long-term, sustained commitment to funding. That is what we need in this place, not cuts—not having Aboriginal medical services that have to work out, year by year, whether they will have funding, whether they will be able to keep their staff, whether the programs that are working will be kept going and whether they are going to be chopped and changed. We need long-term, sustained commitment to address closing the gap. We need to address the soaring incarceration rates—not build prisons but invest in alternative approaches such as justice reinvestment, which, again, Senator Wright will address. We need to be addressing the issues around cognitive impairment and people with cognitive impairment in indefinite detention.

These are all issues that the government is not addressing and that need to be addressed if we are going to genuinely Closing the gap. We are committed and will continue to be committed to close the gap, but we will not stand by and let policies stand without criticism that are not going to close the gap. We will continue to hold the government accountable. I seek leave to table the Progress and priorities report 2015 of the Close the Gap Campaign Steering Committee.

Leave granted.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (16:26): As minister responsible for Indigenous health, I rise to make a contribution to the tabling of the Close the gap report. Before I do so, I would like to acknowledge the traditional owners of the land on which we meet and pay my respect to their elders past and present.

It is a very important day today in terms of the bipartisan nature of the day and of us all towards the sector—and I do indeed take Senator Siewert's point about it being multipartisan. I think we are all focused on ensuring that we get better outcomes for the Indigenous communities right across this country. It is really important that we look forward. We know where we are at this point in time, we know what has happened over time and it is really
important that we focus on the future—on improvement, getting things right and, from this
day onwards, making sure we do things as government better even than we have done before.
I would particularly like to take the opportunity to thank all of those in the Indigenous sector
who have given me such great advice over the time I have been in this role in terms of the
Indigenous health policy for this government. I really do very much appreciate it.

As has been said by many today, we still have a long way to go. There is a lot yet to
achieve, but I think it is really important that we acknowledge the things that have been done
and the improvements that have been made. Within health, we have seen an increase in life
expectancy overall, a decline in Indigenous death rates from chronic diseases, notably
cardiovascular disease, and improvements in child and maternal health. We are on track to
achieve the target to halve the gap in child mortality rates by 2018 and, while it has been
small, there has been a reduction in the life expectancy gap between Indigenous and non-
Indigenous Australians by 0.8 years for men and 0.1 years for women. The reason I make
those points is to acknowledge all those people in this sector, both Indigenous and non-
Indigenous, who have worked so hard for such a long period of time to make those
improvements. While I know we need to focus on what still is yet to be done and what has to
be done, I think it is very important for those people who have worked so hard, day in, day
out, out in our communities to make things better for the lives of Indigenous people that we
do acknowledge the improvements and the gains that have been made.

In health, one of the major pieces of work we are doing at the moment is working on the
implementation of the health plan. I acknowledge all of the work that went into the health
plan, which was done under the previous government, by those across the sector particularly
in the wide consultation that took place. What we need to do now is turn that document,
which is a good document and an aspirational document, into action, which is what we are
doing now as government with the implementation plan. We need to turn that health plan
document into tangible outcomes on the ground, through the implementation plan, that will
improve health outcomes for Indigenous people. I am very pleased that there has been a lot of
collaboration on that. I thank the National Health Leadership Forum for the contribution they
are making in that process. I believe that at the end of this long process we are going to have
an implementation plan that will truly make a difference for health outcomes for Indigenous
people.

I note the work of the Aboriginal community controlled health organisations and
NACCHO, their peak body, but particularly those organisations out on the ground. Comprehensive primary health care is so important if we are going to improve health
outcomes for Indigenous people. Community controlled health organisations play a
significant role and are going to continue to play an important role in ensuring that we close
the gap. As I travel around these communities, I am continually impressed by the work of the
AMCs. Some of the work they are doing is simply extraordinary. Their focus, the work they
are doing and the exceptional way that they are showing leadership in their communities and
delivering health services is extremely impressive. Having said that, there are organisations
that can do better. My task is to work with a community to look at ways to improve those that
are not doing as well as others so that across the sector we can improve the work of those
organisations, ensuring that we get better health outcomes right across the board for our
Indigenous communities.
The government is investing $3.1 billion in health over the forward estimates, but funding does not of itself lead to better outcomes. I think we all recognise that. No bucket of money is going to change anything in this world. It is only what you can do with that bucket of money. That is why the government is so focused on making sure that we get it right, that we have the right policies and programs in place, so that that money makes a difference and actually leads to better health outcomes for Indigenous people. That means making sure that we improve our data levels, that we improve assessment, that we look at the programs and policies that are being rolled out and that we ensure that we get the outcomes that we want. That is why the government is focused on making sure that we review some of the policies and programs that are in place and that we target better health outcomes by making sure we have the right policies and programs in place. It is about ensuring we are focused on preventive health. It is about ensuring we are focused on the management of chronic disease. It is about ensuring we are tackling smoking. It is about those issues amongst a range of other things. We have to look forward and make sure that we keep focused on doing better in the future. It is about culturally appropriate delivery of health services. It is about ensuring that we eliminate racism in the health sector for Indigenous people. Without those two things, I truly believe we will not make the progress we want. It is something that I as the minister responsible for Indigenous health am very focused on. I will continue working with the sector to ensure that we achieve both of those things.

There has been a lot of commentary about statistics. We do need to pay attention to them. Through statistics the report shows clearly where the improvements, although small, have been and what we still need to do. But it is not just about statistics. If we are going to close the gap on health we need to ensure that we focus on what is going to work. Particularly in the health area there is not necessarily a one size fits all policy. What we need when it comes to improving health outcomes of Indigenous people in Mossman Gorge is different from what we need in Sydney, from what we need in Wilcannia, from what we need in Kintore and from what we need in Fitzroy Crossing. It is really important that we have flexibility, so that communities can deliver services targeted at how they are needed in those communities. So often Indigenous leaders and Indigenous people in the communities actually have the solutions to so many of our health problems. We need to listen to our Indigenous leaders and, indeed, all those in Indigenous communities about how they see the future being better, about how they see us being able to improve health outcomes and what they see as their contribution. This is going to be a collective. The government cannot do it on its own. We cannot do it sitting here in this chamber with the opposition and those on the crossbenches. We can do it only if we work together in this place as government, as opposition, as crossbenchers with those in the community, and we need to meet halfway. We are going to work together only if we have mutual trust. We have so many working in the health sector in our Indigenous communities. We need to trust them to deliver those health services where they can do such great improvements working with their own communities. We need to trust that they have the judgement do the right thing. I certainly do. It is very, very important that we continue to focus on the future, that we work collectively and that we work with Indigenous communities, because every single person in this place and across the communities wants to see better health outcomes for Indigenous communities and see us close the gap.
Senator PERIS (Northern Territory) (16:36): I would like to take this opportunity to acknowledge the Ngambri-Ngunawal people, on whose land we stand today, and acknowledge my ancestors past and present and our future leaders. Today is an opportunity for all of us to speak out about reality. It is a day on which I stand here as an Aboriginal woman with the inherent responsibility to fight and sustain our culture for future generations. Unless you are on some other planet today what is being echoed in the walls of Parliament House by Aboriginal people who have gathered here today is that there are a lot of unhappy people out there.

Whilst a lot of people come to Parliament House to talk about Closing the Gap and walk away with a warm and fuzzy feeling about what it means to them and think that we are progressing, the gap in fact is not closing. People reflect on Australia as a nation of hope and a nation of opportunity, but we are a nation that continually lets down Aboriginal and Torres Strait Islander peoples—we are failing citizens of this country. We are not on track to close the gap on life expectancy, and the gap is not closing because things that work are being ignored. I have been listening to Senator Nash—and I have the greatest respect for her—and she understands what she says. But here is big difference between actually understanding it and wanting to implement what people are saying out there in the communities.

I have been around a long time, and Aboriginal people feel that what we say is falling on deaf ears day in and day out. Today we heard the Prime Minister claim that he is profoundly disappointed that the Closing the Gap has stalled. It is great that he has said that, because today we have heard truth in this place. That is what happens when you cut the funding from frontline services that have been proven to work. It is simple: Closing the Gap has fallen through the cracks of a divided and dysfunctional government. When we heard the opposition leader talk about cuts to frontline services, I saw 10 coalition members just get up and walk out. We heard Senator Nash talking about that this has to be a bipartisan approach, but to sustain lives everybody needs to be at the table to give hope and to implement the right things that Aboriginal people need. That walkout showed a total disrespect not only for leaders of this country but for a race of people—the oldest collective race of people in this world whose lives we are trying to enhance and for whom we want to make things better. I just do not get that you have people walking out of the chamber.

I had a speech prepared, but I am not going to read a speech, because I should be able to speak from my heart to tell it how it is. When I see things like that, I think to myself: 'Why did I put my hand up for parliament?' Because I wanted to make a difference in the lives of the people who paved the way for me today.

All this rhetoric about how we have to get it right and we have to listen to people. There are so many times you see Dr Yunupingu and all these talking politicians—it just has to stop. Senator Nigel Scullion knows the Northern Territory very well—it is his backyard. He has respect for the people, and people respect him in the communities. But, Nigel, we cannot be serious about getting kids to school while your government closes 38 childcare centres. There was a report from Twiggy Forrest. Why do we have a wealthy man, who has never worked a day in the life of an Aboriginal person—he does not know what it is to live in poverty or how you get out of poverty—so why are we asking him to tell us how to live our lives? I do not get it. We are only talking in circles and using Aboriginal people—our lives and our disparity—as political footballs. I said that earlier today and it has got to stop. It really has to stop.
When we talk about constitutional recognition, there is the whole fear factor: what are we recognising? What have we got to fear? Every day we acknowledge the Ngambri-Ngunawal people. We exist. We acknowledge it here, and so what is so scary about acknowledging it in our Constitution. We cannot change the past. I said that in my maiden speech. We cannot change what has happened; we cannot drag the chains of this black history that this country has in order to move into the light. We talk about 600,000 Aboriginal people in this country, and yet every single day in the newspapers there is a story about an Aboriginal person. You do not see that about any other race of people in Australia; it is only Aboriginal people. It is almost as if we are a product of disparity. You talk about people coming in and walking together, but I have been to so many communities—and Senator Scullion knows this too—and how do you expect 25 non-Indigenous service providers to be delivering programs to a community of 200 or 300 people? There is not one Aboriginal person delivering those services. We have been oppressed and we continue to oppress citizens who have survived the 40,000 years in spite of continuous failed policies.

We cannot just keep talking about it. Every election cycle we make these promises; we say we are going to give you this and then, when we get in, we backflip on health and education. It is not rocket science. If you want to engage a child in primary school—to get them into school—they have to have a profound love of education. You cannot just say that it is about jobs; it is about housing. They are the basic fundamental things that we take for granted—every single one of us—but that is like asking a hen to have teeth. You are just asking for the basic fundamental human rights for people to have an opportunity, and we are denying the opportunity when we cannot get the basics right. It upsets me that Aboriginal people are coming to this place and begging from money to drive programs in their community. They should not have to do that. I do not tell anyone how to run their lives and so why are people telling Aboriginal people how to run their lives?

There is story I would like to tell, because it is important. We are Catholics and my grandson, who is 5½ years old, went to his first day of school this year. The principal, after welcoming everyone, talked about Jesus and God and then he said, 'And don't forget; let's us all be like Jesus.' My grandson turned to his mum, my daughter, and said, 'Well, who is Jesus?' The thing is that everyone has a religion, everyone has a spiritual belief, and this country is a multicultural country. We as Aboriginal people have our spirituality and our religion. We know what we want.

It is almost like our dreams and aspirations are continually controlled by the dollar factor. And it goes back to a Country Liberal government who wants to dilute the Heritage Act and the Land Rights Act. You have 35 per cent of people in the Northern Territory owning 50 per cent of the land. When you see incarceration rates escalating, not decreasing, what does that say about society? You just want to bulldoze the people out of the way who have control over what other people want. And that is not even telling a lie; that is telling it how it is. We heard a great speech by Joe Morrison today who said: 'We are not part of the problem. We are part of the solution.' If you want to progress this country for what it is meant to be—what other countries see it for—you need to bring Aboriginal people with you. And it is not by continually taking the top-down approach. To say that an Aboriginal kid has no dreams and aspirations is wrong. To tell an Aboriginal parent, 'you don't want your children to go to school'—that is absolute rubbish. We have the same dreams and aspirations. We should be
allowed to flourish as human beings and as equal citizens in this country. This whole place needs to change.

The ACTING DEPUTY PRESIDENT (Senator Smith): Thank you, Senator Peris. Senator Milne.

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:46): I rise this afternoon to make comment on the Closing the gap report but, before I do that, I just want to say thank you to Senator Peris. That is exactly what we need to hear in this parliament. Like Senator Peris, Senator Siewert, my colleague Senator Wright and others, I was there this morning at the talks that were given and I can tell you, Mr Acting Deputy President, it was like being in a parallel universe. We had the Prime Minister standing there making his speech, and people were being polite, because he is the Prime Minister, but I can tell you that the allied health workers and the people who are working with and in Aboriginal and Torres Strait Islander communities were frustrated to death. I can tell you that that the fact is, they are living a different reality from what was being talked about—and everyone was clapping politely. And it just is not true. What was being said is just not true.

I think we need to listen. Senator Peris has spelled it out, but so too did Mick Gooda. Speaking last year about his Social justice and native title report last year, he said:

It is not okay that in 2014, Aboriginal and Torres Strait Islander peoples, of all Australians, are the most vulnerable, the least healthy, the most imprisoned, the most likely to die in prison, the most at risk of child abuse or neglect, the most likely to be homeless, the least likely to be educated or employed, or the most at risk of domestic violence.

That is the reality. It is no use standing up and saying that you can take more than half a billion dollars out of support for Aboriginal and Torres Strait Islander communities and programs and suggesting that you are not undermining the capacity for people to bring about change. That is the hypocrisy. Everybody in the room this morning knew full well what had happened in the budget. They also knew full well that it had been a year of trauma, of upheaval, of uncertainty; of tearing down of long-term thinking, programs, and evidence-based work. And I can tell you, people still are saying, 'exactly what happened with the budget last year?'

Mick Gooda went on to say:

It is not okay that our communities' views are ignored in decisions that affect their lives and their land.

It is not okay that our communities are not equal partners in the decisions made to better improve their own lives. It is not okay that our peoples are not the recognised custodians of, and remain separated from, our land. And it is not okay that racism still defines many Aboriginal and Torres Strait Islander people's daily lives.

He went on to talk about his report at the end of last year, but he also said that he had spoken extensively about what he was calling 'the muddled narrative' of the Australian government's approach; and about how we are now experiencing one of the largest upheavals in Indigenous affairs and how this upheaval is causing immense anxiety and stress amongst our communities. He went on to talk about how over 150 programs and activities have been transferred to the Department of Prime Minister and Cabinet—involving over 1,400 organisations with nearly 3,040 grants and contracts—and about how these 150 programs will be collapsed down to five, whilst dealing with a budget cut of over $400 million across the next four years. Now, how can you expect Aboriginal and Torres Strait Islander people to know what is going on! Nobody knows what is going on with the collapsing of all these
programs and the taking of money out of these programs; nobody knows how they are to be supported. Mick Gooda went on to say:

I would argue that the more far reaching the change and the more drastic the budget cuts, the more engagement is needed with the community and its representative organisations.

He went on to say that engagement has been conspicuously absent, before and after the announcement of these changes.

How can they possibly create positive outcomes when the government is determined to slash these programs—to slash the money supporting them; not to consult with or even talk to the Aboriginal and Torres Strait Islander people who are going to be impacted by them; and then to stand up and make motherhood statements about 'going to govern the country from East Arnhem Land'? Frankly, if the Prime Minister thinks it is enough to say he is going to East Arnhem Land, he is going to observe the disaster that he has put in place. He is taking away, for example, programs to assist people in not smoking—and I could not help but pick up the irony this morning. What was being bragged about is what is a very modest improvement, but nevertheless an improvement, in life expectancy—of 1.6 years for Aboriginal and Torres Strait Islander men and an improvement of 0.6 years for Aboriginal and Torres Strait Islander women—yet of course, it is a 10-year gap when compared with the non-Indigenous population. There is a slight improvement in life expectancy. And there have been reduced rates of smoking during pregnancy and, in terms of smoking overall, there has been a reduction in the rate of 10 per cent over the last decade. Might you not think that a program that had resulted in a reduction in smoking of 10 per cent in the last decade, a reduction in the number of women smoking during pregnancy and so on, might have contributed to the modest life expectancy improvement? Yet we still have abolition of preventive health care services. All the Allied Health people—the doctors—who were there this morning were saying: 'We need preventive health care. We need assessment. We need not only acute care for heart disease, kidney disease and diabetes, but preventive health care as well.' They were talking about assessment and assistance in those communities.

We have also given Rosie Batty the Australian of the Year award to highlight the issue of domestic violence, family violence. I am really proud of the fact that Australia has done that. But, at the same time, this government has slashed funding to legal services for violence in Aboriginal communities. Why would you take away the legal support services for people who need them the most? This makes no sense. It suggests a government that is completely out of touch with what is required in Aboriginal and Torres Strait Islander communities. Of course, there are many other things in the report that are well worth consideration, but, from the Greens' point of view, this has to be long term. There has to be national leadership. It was done before through COAG, but now nobody knows who is leading this program. You have to have buy-in from the states and territories, and it was there. Far be it from me to praise COAG—let me tell you, it is a black hole that nothing ever comes out of. Nevertheless, in this sense, it at least got buy-in to a national program, a national plan, where states and territories had some buy-in, some contribution and some consistency.

But now we do not even have that. We need a long-term national plan. But no national plan can work unless it is funded. You cannot stand up and say you are doing everything to close the gap when you are taking more than $500 million out of programs that support Aboriginal and Torres Strait Islander people and collapsing them into the Prime Minister's office under
five programs that nobody understands and without any consultation with Aboriginal and Torres Strait Islander people. That is a recipe for complete failure. In this year's budget the government must, first of all, restore funding to the National Indigenous Drug and Alcohol Committee and reverse its cuts of $130 million over five years from the Tackling Indigenous Smoking program. As I said, there are a number of other areas that they need to put money into to address—preventive health care, chronic disease, more assistance with numeracy and literacy and putting in targets for justice. Why wouldn't you, in Closing the Gap, have targets for justice? I will finish by asking people to reflect on something Mick Gooda said:

It is shameful that we do better at keeping Aboriginal people in prison than in school or universities.

This is something the whole country needs to think about. We need justice targets to get Aboriginal people out of prison. If as a country you do better at keeping Aboriginal people in prison than in school or university, the system is broken. That is what we need to be thinking about on this day of Closing the Gap.

Senator IAN MACDONALD (Queensland) (16:56): I want to thank Senator Scullion and Prime Minister Abbott for their statements today and for their genuine care and empathy for Indigenous people. I also want to thank them for the mature way in which they have dealt with today's report and, indeed, all issues around Closing the Gap. We would have hoped for a tripartisan approach to this issue, but the Greens had to make a political statement. They simply cannot help themselves. I might say to Senator Peris that the reason people left the other chamber when Mr Shorten was talking was not to show any disrespect to Indigenous people but to show that they did not like Mr Shorten making politics—as Senator Milne did—out of a very serious issue.

I do not want to go too much into the report today, but I do want to use this opportunity to again repeat something that I and Indigenous leaders in Queensland have long called for—that matters relating to Indigenous people and their welfare should be dealt with by elected Indigenous leaders. I have said on many occasions previously that we have too many bureaucrats—and politicians—who, with the very best intentions, are trying to do the right thing by Indigenous people. We form advisory groups of high profile Indigenous people who are in the paper all the time. But, frankly, these are academics who do not have skin in the game. I will name Indigenous leaders in Queensland—and I am sure there are others in the Northern Territory and Western Australia—who are there as Indigenous leaders not because they have been appointed by anyone, or because they have written fine articles for The Sydney Morning Herald, but because they have been elected by their fellow citizens in these communities. And they are accountable to those citizens—unlike these advisory boards who, frankly, though well-meaning, are accountable to no-one.

Elected Indigenous leaders are accountable to their constituencies every three or four years. And all of the money that comes through their hands is audited by the state auditors-general. We know exactly where the money has gone and we know what good it has done. These Indigenous leaders are mayors; they are local government leaders. But they understand education issues in their own community. They understand health issues in their own community. They understand not just how to fix roads, rates and rubbish in their communities; they understand how their communities work.

I again express a plea to my government, the Abbott federal government, and to the relevant state governments, that they should make more use of those people who are on the
ground. They do not need advisory bodies; they have elected people that are accountable every three years to their constituency and they have people whose funding is audited. I have met with the Indigenous leaders forum, albeit before the last election, where we spoke about this. I did not have to say those things; they told me that they get offended, having been elected by their people to these leadership position, that they are then often ignored by federal and state governments when it comes to wider issues.

Quite frankly, I know the bureaucrats and politicians and academics from the south all have the best interests of Indigenous people at heart—I am not in any way suggesting they do not—but they are not with it; they do not have skin in the game. There are leaders like Councillor Fred Pascoe from the Carpentaria Shire; Councillor Dereck Walpo from the Aurukun Shire; Councillor Ken Bone from Cherbourg; Councillor Fred O'Keefe from Doomadgee; Councillor Greg McLean from Hope Vale; Councillor Robert Holness from Kowanyama; Councillor Wayne Butcher from Lockhart River; Councillor Peter Guivarr from Mapoon; Councillor Philemon Mene from Napranum; Councillor Bernard Charlie from the Northern Peninsula Area Regional Council; Councillor Alf Lacey, my good friend from Palm Island; Councillor Richard Tarpencha from Pormpuraaw; Councillor Pedro Stephen from the Torres Shire; Councillor Frederick Gela from the Torres Strait Island Regional Council; Councillor Terry Munns from Woorabinda; Councillor Cliff Harrigan from Wujal Wujal and Councillor Errol Neal from Yarrabah—all very mature, sensible leaders, elected by their people every three or four years. If they are not doing the right thing by their people, they will vote them out at a democratic election. If they are not spending the money properly and efficiently, the state Auditor-General will quickly expose any misspent expenditure. I plead with my government and the various state governments to use these people more rather than getting academics, well-meaning bureaucrats and advisory boards from the south to advise on these particular issues.

These elected leaders come to me and tell me the sorts of things that I am saying in the Senate today. They are concerned that they are being bypassed and ignored, when they are the people who should be listened to and taken into confidence. It is not that I am for a moment suggesting that doing what I suggest would close the gap tomorrow, but I do think it is a far better way. I again make this plea to my own government, to Minister Scullion, who I know understands these things. You have to take these people into confidence, because they are the leaders of their communities. If they do not do the right thing by their communities, they will not be there after the next election. Please, Senator Scullion and Mr Abbott, I know your commitment to Indigenous people. I know your genuine concern and interest. But can I say, with all due respect, that you are not getting the right advice from people with skin in the game. That is why people like those mayors I have mentioned—and I am sure there are others in the Northern Territory and Western Australia who I don't know as well as this group of Queensland mayors—could really, really make a difference to closing the gap. If I can achieve anything in the next few years, it will be to convince governments everywhere that these are the sorts of people who they should be taking advice from, not from southern politicians, bureaucrats and academics—well-meaning all—from far away, people who really do not have skin in the game.

**Senator O’NEILL** (New South Wales) (17:05): As I commence my remarks, can I pay particular respect this afternoon to the traditional owners of this land, the Ngunawal and
Ngambri people. I pay particular respect to my colleague in this chamber, the first Indigenous woman in the Senate, Senator Nova Peris. Can I hazard a guess that, on reflection of the speeches today, the truth and the passion of Senator Peris's articulation of the plight that faces our first peoples at this time will be something that people will put down as a marker in this nation's history around truth-telling with regard to the oppression of the first peoples of this nation that continues.

Senator Peris made some very powerful remarks, that there are very many unhappy people here today—unhappy people who are here on this annual occasion in which closing the gap is reported. They have a right to be unhappy, not just because of the ongoing situation in which they continue to find themselves but because of the regression that has been the marker of this particular year's report. As Senator Peris said so clearly, and as has been echoed in most of the speeches today by members of this place and the other place, on both sides of the chambers, today we say that we are not on track to closing the life expectancy gap.

That is a fact. We cannot turn away from that reality. As Senator Peris said, there has been a lot of articulation about understanding of the problem, but she questioned the amount of action to change it.

I have noticed that, in the many comments that have been made in this debate, there has been some faux outrage over a loss of bipartisanship on this day. But we cannot allow bipartisanship to become the silencer of fulsome and honest communication. Bipartisanship should not be a cloak for inaction and a pathway for platitudes. So it is very important that we hear what has been said here this afternoon. We continue to hear the rhetoric about consultation. But the fact that we are talking in circles must become apparent to us at some point today. Senator Peris talked about the 25 service providers in the Northern Territory, of which not one is an Indigenous group. She talked of oppressed citizens. Yet the outrage here—fake outrage—is about the loss of bipartisanship in the discourse! We are talking about people, the first people of our nation, and how they have been abandoned. That is on the record today, and the regression in our efforts to close the gap.

The main messages from the Close the Gap report are devastatingly bad. The only good thing we can say is that life expectancy has improved very slightly over the past year. Outcomes fell short of the early childhood target. No headway has been made in halving the reading and numeracy gap for Indigenous students. We looked for any signs of hope. There is a small indication of progress in halving the gap for Indigenous employment. We do have some students staying on to year 12. Also, infant mortality rates continue to decline, and that record has been steadily improving.

But all of the people who have experienced these small improvements are caught up in our health system. The government's priorities as articulated—to improve education and employment and to provide safe communities—are not much use if the community is unhealthy, so I really want to address my remarks to the health of the Indigenous community. It is such a vital aspect of a community. Health should and must be the most urgent priority in the Close the Gap campaign if the gap is to be closed. If you are not healthy, you cannot work. If you are not healthy, you cannot go to school. If you are not healthy, it is difficult to look after your family and their health will then suffer. The circle of disadvantage is expanded again and again.
The elephant in the room is that Indigenous people are still dying today from treatable, preventable illnesses due to the lack of detection of these conditions in their early stages. That is why the life expectancy gap continues to be as enormous as it is. The best way for us to interrupt that and detect these chronic diseases earlier is by providing access to a good primary health system. That way, all the various blood tests are readily available for things like cholesterol levels and blood pressure levels. The best form of prevention that we can get for our Indigenous people is regular check-ups.

We know that the best form of primary health care, the one that is most focused on issues that are endemic in Aboriginal communities, is carried out by Aboriginal and Torres Strait Islander Health services. In that context, cuts to their budgets have a powerful impact on the Aboriginal community, because they affect the provision of primary care. Any imposition of a GP tax—which, we have been hearing over and over, is the intention of this government—would be a cost hurdle in the way of primary health care for all Australians but would be particularly devastating for Indigenous Australians, with impacts flowing on to the disease rate and the death toll, while employment and literacy rates will all stagnate and fall away.

The issue of health must become a greater priority of the Close the Gap campaign. It is vital that the National Aboriginal and Torres Strait Islander Health Plan, which was set out in 2013 by Warren Snowdon in partnership with Aboriginal people, is carried out. This plan is regarded not only as a progressive and comprehensive plan for Indigenous health in the future but also as a model for effective, inclusive partnership—in consultation with Aboriginal and Torres Strait Islander people.

The reality today, though, is that we have a government that has cut $500 million from essential services to Indigenous communities. You cannot cut money for such services from a community in such dire straits and not expect it to be a setback on the path to trying to close the gap. Right now, a range of key organisations that support and work within the community do not know whether their funding is going to continue or be withdrawn. As Senator Peris said, and she has a right to express it in these words:

It upsets me—and it should upset every single one of us, to the point where we are quivering with despair—that Aboriginal people are coming to this house begging for money to drive programs in their community.

And these are programs that have proven to be successful. That is what is going on this building today. Indigenous people who know the answers to the problems, Indigenous people who have set up and run very successful programs, are at risk of having those programs collapse in a matter of weeks. This government pretends that consultation is its first order of business, but its Prime Minister is now renowned for the absence of a capacity to consult. Preventative health programs are helping. They help tackle smoking and substance abuse in all communities, but they matter particularly in Indigenous communities. Cuts of $165 million to the Aboriginal health budget are going to smash those essential initiatives.

In the Leader of the Opposition’s response to the Close the Gap report today, he raised the issue of justice, which I know Senator Milne also spoke about and I know is of great interest to Senator Peris. It is something that has been missing from the Close the Gap reports to date, and the call today for a justice target has echoed, I think, around this chamber and, I hope, around the country. Three in 100 Australians are Aboriginal, but 25 in 100 prisoners in
Australian jails are Aboriginal—25 in 100. There is something wrong with those numbers. We should be ashamed that we have allowed that to be. We spend nearly $800 million on the imprisonment of Indigenous Australians. But it is not just the dollar cost. What is the cost—the human cost, the community cost? It is a tragedy that we are participating in allowing it to continue.

Half of the young Australians in juvenile detention—50 per cent—are Aboriginal and Torres Strait Islander youth who are, as we heard from Senator Milne, in Mick Gooda's words, better at staying in jail than they are at staying at school. This is a tragedy of monumental proportion. And it is so important that we have this day to discuss these issues.

(Time expired)

Senator LAZARUS (Queensland—Leader of the Palmer United Party in the Senate) (17:15): The Abbott government is worsening Indigenous disadvantage in this country. Despite all the flowery words delivered by Prime Minister Abbott this morning regarding Closing the Gap, the reality is that the Abbott government has cut funding to Indigenous programs, initiatives and events across the country without regard for the impact, consequences and harm caused to our country's first Australians.

Let me cite an example from my home state of Queensland. The Arthur Beetson Foundation Murri Carnival is an annual event which is fully endorsed by the Queensland Rugby League and is the only indigenous Rugby League carnival in Queensland to be accredited by the games' governing body. The carnival is a Rugby League competition for Indigenous men, women and 15-year-old boys representing Indigenous communities from across rural, urban and remote Queensland. Funded by the federal Department of Health through its Tackling Indigenous Smoking and Healthy Lifestyle Program since 2011 at a cost of $160,000 per year, the carnival is a smoke-, alcohol- and sugar-free event which requires all players and officials to complete a preventive health assessment at local Aboriginal Medical Services or participating private-public primary care services. Mandatory checks are important for the competition as they ensure that players receive a comprehensive assessment of their health prior to taking the field. The checks also encourage better health-seeking behaviour within first Australian communities more broadly.

With preventable chronic disease the largest contributor to the gap in life expectancy between Indigenous and non-Indigenous Australians, the competition is helping to improve first Australian communities to take responsibility for their own health, resulting in the overall improvement of Indigenous health generally. The carnival is held in September each year and is televised live on National Indigenous Television. In fact, it is one of the highest-rating telecasts on the NITV channel. The carnival is one of Queensland's largest in the Rugby League community and is considered to be the flagship for Indigenous sporting competitions across the country. Over the last three years, this competition has seen the completion of over 8,000 health checks delivered to Indigenous players and officials; enjoyed the participation of some 5,000 Indigenous players from 207 teams from across Queensland; witnessed a significant increase in school attendance for Indigenous boys; supported the placement of over 30 Indigenous trainees with the Australian Federal Police; been attended by over 100,000 spectators, all of whom have been exposed to the good health messages; had over 2,000 spectators participate in health education and screening at this event; witnessed a significant increase in enrolment of first Australians on the Australian electoral roll; and
supported 15 Indigenous boys being placed on fully funded scholarships with Ipswich Grammar and Nudgee college.

Despite the outstanding outcomes being achieved by the annual Arthur Beetson Foundation Murri Carnival—and the persistent approaches by the management of the Arthur Beetson Foundation to the Abbott government for continued funding—the Abbott government, I am sad to say, has failed to commit to further funding for this carnival. As a result, the carnival will be cancelled this year and will not be held again. The funding equates to $160,000 a year. The Abbott government has spent hundreds of thousands of dollars—in fact, millions of dollars—trying to sell higher education cuts, even though the people of Australia have already said no. My message to the Abbott Government is this. Give back the money you spent on the higher education propaganda advertising campaign—without a mandate—with interest, and put the money into the Arthur Beetson Foundation Murri Rugby League Carnival. Start doing something good for this nation instead of cutting, slashing and burning everything that moves. This will help close the gap, and, importantly, it will help our first Australians, the people of Queensland and all Australians.

So, I call on—in fact, I am begging—Prime Minister Tony Abbott and the Minister for Health and Sport, Sussan Ley, because I know how important this carnival is to so many Indigenous Queenslanders and Australians, to immediately, with haste, commit to a new equivalent or improved funding arrangement for the carnival this year and for future years.

Senator MOORE (Queensland) (17:21): I know that in this place we begin every morning with an acknowledgement of country—an initiative that we are proud of and that we will continue—but I feel that at the beginning of this contribution I would like to make a personal acknowledgement of the traditional owners of our land, particularly as we are talking about such an important element: closing the gap. Senator Lazarus, I am a huge fan of that carnival. I was unaware that its funding was not secure, and I think that we can share in working towards securing funding. We cannot lose that event and all that feeds out of it.

This morning we heard the Closing the Gap program being introduced again, with the presentation of the seventh annual report. The Close the Gap Campaign Steering Committee, which has been working since 2006 in this area, puts out its own report, which Senator Siewert tabled earlier. At the conclusion of their shadow report, which I think is essential reading in terms of looking at engagement with the Aboriginal and Torres Strait Islander community in our nation, they say that the report that they have prepared:

… affirms the need to stay the course with the Closing the Gap Strategy and to be patient for improvements sought to Aboriginal and Torres Strait Islander health and life expectancy—progress which many indicators suggest will be seen in time.

I endorse so much that is in this report and I know there is a need to stay the course, but I am not sure whether I share the concept of patience in trying to ensure that we get greater results against the initiatives that were clearly identified seven years ago—issues that were brought forward to this place and throughout the community; issues that need to be addressed to ensure that we can genuinely have an Australian community which is equal. This morning, in the Leader of the Opposition's speech in the other place, he said that a true community shows equality and that we must have that.

I am not sure whether patience, in this case, is such a virtue. I know that we need to have commitment. I know that the bringing down of this report is an opportunity for all of us to
review what has occurred, to look back and, in particular, to pay credit to so many people who have worked so hard in this area for generations. It is an opportunity to acknowledge their contributions but also to take a serious and—I think—a critical strategic look at what has been achieved. The news is not good. Of course we need to celebrate where there have been some advances. We see advances in the area of halving the gap of life expectancy. There has been a very small increase there. We need to acknowledge it; we need to celebrate it. But we also need to understand that, continuing at the same rate, we will not meet the goal, which was set seven years ago, to halve that gap. But I think that we have to acknowledge that something has been done.

We also looked very clearly at halving the gap for Indigenous Australians aged 20 to 24 in year 12 attainment or equivalent. That is an area where the education programs—over years, and working effectively with states and territories—have led to a more positive result. But on so many of the other areas we are not on track. So that must lead to the consideration of what we should do and what we could do differently. In that sense, the government has support to look at ways to change the way that we operate, but that support needs to be endorsed by the wider community and, in particular, by the Aboriginal and Torres Strait Islander community. We cannot impose policy or implement policy which is not accepted by those whom it is intended to serve.

In my short contribution today I want to talk about two things that I think need to be added to the considerations in looking at closing the gap. One of these has been mentioned by many speakers, and that is around the call to include a justice target in our Closing the Gap strategy. This has been talked about for many, many years. At the end of last year, my friend Mick Gooda, who is the Aboriginal and Torres Strait Islander Social Justice Commissioner, made a formal call to the government to look at including a special justice goal in the Closing the Gap strategy, because of the horrors of the inequitable involvement of people who are Aboriginal or Torres Strait Islander in our corrections system.

The statistics are extraordinarily confronting. We have heard them in previous contributions. The Productivity Commission released figures in November last year indicating a 57 per cent rise in incarceration rates amongst Indigenous men, women and children over the previous 15 years. That statistic alone demands action from governments across this country. There is no way that a statistic showing a 57 per cent increase in jailing rates in the juvenile justice system and in the open justice system should be considered to be acceptable in our community—and it is not. No-one accepts that particular finding.

The important thing is that we have the opportunity to make change. We know that there are projects that have been put in place all over the country—relatively small projects which have identified a need at a local level and looked at what can actually be implemented cooperatively to ensure that there are other options than incarceration and that there is identification of what causes Aboriginal and Torres Strait Islander people to end up through the court system and then—at such a significantly higher rate than the mainstream community in Australia—end up with jail sentences, which tend to then lead to a sequence of being in and out of prison with no chance to build better lives. There are all kinds of reasons that have been clearly identified—education opportunities, health opportunities, employment opportunities—all of which are in the Close the Gap strategy. So actually implementing a particular justice
goal in our closing the gap process is not such a big stretch, because the need and the engagement are already in place across the country.

Mr Gooda made a quite straightforward recommendation that we revise the current targets in closing the gap to include holistic justice targets aimed at promoting safer communities. We also suggest that the Australian government consult and work with the National Justice Coalition, which has been so active in this area and shows examples of where local community work has led to a change. We also suggest that the Australian government take a leadership role on justice reinvestment and work with the states, territories, and Aboriginal and Torres Strait Islander communities to identify further trial sites along the way that has been led by the National Justice Coalition.

I think we have the opportunity to make the Close the gap report a dynamic document that responds to the needs of the community and is not set on something that was determined seven years ago. I think there is an opportunity today, when we are looking at the Close the Gap program, to say that there should be a justice strategy implemented that can be agreed on across whatever will take the place of COAG.

The other thing I want to throw in is the issue of mental health. This particular report actually calls for the development of a national strategy specifically looking at mental health in Aboriginal and islander communities. Again, confronting and horrific statistics show that the impact of mental illness in Aboriginal and Torres Strait Islander communities has a stronger impact in terms of non-diagnosis, effective treatment and also the ongoing issues around substance abuse and violence, which all coalesce to ensure that the community is not receiving equitable services and that we cannot say that we are closing any gap around making our society better and more equal.

I commend the committee that actually put together the progress and priority report. I again say I am not sure whether I can share their call for patience to ensure that we can make more progress, but I can say that I commit with them to staying the course so that, when we have the eighth report next year, hopefully we will see more progress.

Senator WRIGHT (South Australia) (17:31): I rise to add my remarks on the Close the gap: progress and priorities report 2014 too, and I want to start by saying that I feel proud and privileged to live in a continent where the first peoples have one of the longest continuous human cultures on this earth.

All senators in this place, as leaders in this country, have a shared responsibility to address Aboriginal and Torres Strait Islander disadvantage in a real and meaningful way. If we fail, we must share that shame. While some progress has been made, it is clear that there are still significant and distressing differences in health, education, employment and social outcomes between Aboriginal and Torres Strait Islander people and other Australians. Given that reality, this government’s funding cuts to a broad range of Indigenous and Torres Strait Islander services and organisations are baffling and, more than that, seriously damaging. If we are all committed to closing the gap, we should be able to agree that taking huge amounts of funding—over $500 million—out of the sector is not only illogical but unconscionable. Add to this the fact that this is being done in a way that has left many in a state of continuing uncertainty and anxiety about the programs they are to administer, the jobs that are available and when the certainty will be clarified, and I have to say: don’t judge us by what we say; judge us by what we do.
I also say that, despite protestations of some who would say it is not polite to name these realities or get too angry about this, when we are talking about these matters which are indeed a matter of life and death, the time for politeness is over, and I think it is really important that we actually say: look at what is happening and let us actually act and not just speak.

As the Greens spokesperson for mental health, I am glad to have the opportunity to speak about Aboriginal and Torres Strait Islander mental health specifically and I am heartened to see that addressing mental health and suicide prevention has been included in the *Close the gap* report as a new priority focus. Poor mental health has huge costs—human, social and economic—for the whole nation. The levels of mental ill health and suicide among Aboriginal and Torres Strait Islander people are absolutely distressing. The statistics tell us that and the stories tell us that. The grieving grandparents, aunts and uncles, mothers and fathers tell us that their young people are losing hope and ending their own lives before their lives have really begun. Some even speak of a contagion effect or suicide clusters in particular communities, which broadens the ripple of grief and has a devastating and enduring impact on the lives of so many people. As the *Close the gap* report states, mental health problems, including self-harm and suicide, have been reported at double the rate of non-Aboriginal and Torres Strait Islander people for at least a decade. Over the two years from July 2008 to July 2010, Aboriginal and Torres Strait Islander males were hospitalised for mental health related conditions at more than twice the rate of non-Indigenous males. Over the decade from 2001 to 2010, the overall Aboriginal and Torres Strait Islander suicide rate was twice that of non-Indigenous Australians.

While travelling in rural Australia to consult about mental health, I spoke to people about particular challenges for Aboriginal and Torres Strait Islander mental health, and those I met with talked about the importance of culturally appropriate care and the desirability of growing their own mental health workers—that is, training and skilling people from their own communities to work in mental health, because they are more likely to understand the needs and experiences of their clients and to stay and provide continuity for clients and service providers. I also heard that Aboriginal and Torres Strait Islander health workers are instrumental in breaking down barriers and developing community acceptance of non-Indigenous mental health professionals. We need so many more of them, and that will require skilling, training and supporting those people in communities. There is so much that can be done, particularly in rural areas, to start addressing the mental health crisis among Aboriginal and Torres Strait Islander peoples.

The funding uncertainty plaguing the mental health sector at the moment is also deeply troubling and something that is directly within the government's control. Releasing the National Mental Health Commission's *Review of mental health programmes and services* report must be a priority, as must subsequently consulting respectfully and fully with the mental health sector and the Aboriginal and Torres Strait Islander mental health sector in particular about the recommendations of this report. Instead of using the review to justify cuts to critical mental health services as this government has done across other policy areas, they must be willing to canvass more funding within a system that enhances mental health and wellbeing rather than only reacting—and inadequately—to manifestations of mental ill health.

One important aspect of this is to acknowledge the trauma and intergenerational trauma that underpins patterns of mental ill health that we are seeing today. Dispossession and stolen
children—so many wrongs lie beneath the surface and they must be acknowledged and addressed if we are to have real change.

In a different policy area I note that incarceration rates—and this has been discussed by many other contributors today—are soaring. Yet the government has cut legal aid to Aboriginal legal services and family violence prevention legal services. My questions at estimates have revealed $42 million will be cut from Indigenous legal aid, yet there has been no modelling by the government as to the likely and logical consequences of this in terms of incarceration rates. I welcome recommendation 8 of the report, which recommends that Closing the Gap targets to reduce imprisonment and violence rates be developed and activity toward reaching the targets be funded through justice reinvestment measures. The need for justice targets—to name the size of the problem, to track it and to reduce the number of Aboriginal and Torres Strait Islanders in prison in Australia—is long overdue. Along with many others, the Australian Greens have advocated for both justice targets and justice reinvestment—investing in communities to reduce crime rather than investing in prisons—for many years. Earlier this year Indigenous Affairs Minister Scullion backflipped on justice targets, even as the Overcoming Indigenous disadvantage report revealed a horrifying 57 per cent jump in imprisonment rates for Indigenous Australians.

We cannot truly close the gap anywhere without confronting this issue head on. Aboriginal and Torres Strait Islander Australians make up only 2.3 per cent of the adult population in Australia but make up more than a quarter of the adult prison population. The statistics for Aboriginal young people are even more shocking, and now the imprisonment of Aboriginal women is rising. The establishment of national justice targets will provide a clear framework for all governments to work with Indigenous communities. It will ensure Indigenous incarceration is not swept under the rug and it will force our governments, and us, to be accountable. I urge the federal government to adopt this recommendation without delay.

I would like to finish by acknowledging the strength and agency of this nation’s first peoples. I do not profess to stand here and pretend to have all of the solutions. In so many ways Aboriginal and Torres Strait Islander individuals and communities are leading and showing the way, taking charge of their lives and communities. They know what they want and they know what they need. I think of the Aboriginal women of Fitzroy Crossing who have done so much to protect their children and culture by addressing the pervasive alcohol abuse in their community. Indigenous leader June Oscar has spoken of the tsunami of funerals which prompted their response—50 alcohol related deaths in a year and 13 suicides in as many months. By restricting alcohol and raising awareness about the risks of alcohol consumption, the women achieved a 45 per cent reduction in hospital admissions, a 27 per cent reduction in alcohol related violence, a 14 per cent increase in school attendance and 88 per cent reduction in takeaway alcohol sales. In South Australia, the Aboriginal women elders known affectionately but respectfully as ‘the Grannies Group’ visit young men and women in prison, offering them support, connection and humanity. And in their strong, proud and persistent way they are changing the culture of the prisons they visit, both for the prisoners and the custodians.

Community responses are powerful and effective. They must inform and be an integral part of closing these shameful gaps in Australia’s social fabric.
Senator LINES (Western Australia) (17:40): I acknowledge the Ngambri and Ngunawal peoples, the traditional custodians of the land on which we meet, and I pay my respects to elders past and present and any elders in the Senate today. It is with great sadness that I rise today to acknowledge that we as a nation have failed to close the gap. Even where we have made gains, these gains have been very small. I note, too, that we continue to ignore justice. Without justice as a measure, it is hard to truly improve outcomes for Aboriginal and Torres Strait Islander peoples. This must be addressed.

I acknowledge the heartfelt speech given by Senator Peris today, and I think we would be wise to listen to her and enact some of the points she made. In speaking today I acknowledge my Gidja granddaughter. I as a white grandmother, want the best for her; but I know that as a young Aboriginal child the outcomes for her are lesser than they are from my grandson who is non-Indigenous. Within my family I struggle to understand why the colour of her skin means that her outcomes are much lower. That is completely unacceptable. Of course, as my granddaughter, I love her to bits and I want the very best for her—but I know the odds are stacked against her.

As a Western Australian I continue to be saddened by what is happening in my state. I say again: we have to have justice. Justice must be a measure. We have the highest juvenile incarceration rates in the country in Western Australia, and they continue to get higher. Deaths in custody are a tragedy in Western Australia and I have spoken in this parliament on two occasions about the tragic death in custody of Miss Dhu.

About eight weeks ago I attended an Aboriginal deaths-in-custody meeting on a Saturday afternoon. There were mainly Noongar people there—south-west people. Every person in the room—every single Noongar person—had a death to talk about: an unusual death, a harsh death or a suicide. All were related to justice. I could not help but note the fact that if that had been gathering of non-Aboriginal people it would have been a very different gathering. The sorrow in that room was overwhelming. I was determined as I left that meeting. You could easily get caught up in that sorrow and be completely ineffective, so we need to be warriors as parliamentarians—warriors along with the leaders of the Aboriginal community.

The time for listening and consultation is long gone. The time now is for action. In this place, a couple of months back, we heard about the homeland communities. Yes, they have their troubles; but there are fewer suicides on homeland communities in Western Australia than in non-homeland communities. But they are to be defunded and the Premier of our state just announced, without any consultation, that they would be closed. This would be a tragedy. Many of them have microbusinesses operating on them and to just close them, because that is the easiest thing to do, would again be a great injustice to Aboriginal people in those communities.

In Western Australia towards the end of last year we had an 11-year-old Yamatji boy commit suicide. Imagine if he had been a white child. There would have been immediate action—and yet nothing has been said; nothing has been done. I cannot imagine the tragedy of finding an 11-year-old who has suicided.

In the Kimberley we continue—every single week—to have suicides. The highest rate of suicide in the world now occurs in the Kimberley. You only have to visit the Kimberley and move beyond Broome to see the abject poverty and disadvantage, to see many Aboriginal
people living in towns but not employed in the local supermarkets, not employed in the tourist destinations. They are left to sit under trees or work for Aboriginal organisations.

We had a Kimberley elder, about four weeks, ago commit suicide. He was a person held in high regard in the Kimberley. He was so depressed and lacking in hope that he simply took his own life. There is much for us to do. I am pleased that the Prime Minister has said we have to move forward, but the time for talking is done. It is now time for action.

Senator LAMBIE (Tasmania) (17:46): I acknowledge the traditional owners of the land, past and present. Why are Aboriginal and Torres Strait Islander babies dying at a rate greater than non-Indigenous Australians? Why are not Aboriginal and Torres Strait Islander peoples living for as long as non-Indigenous Australians?

On 13 February 2008, seven years ago, then Prime Minister Rudd said:

This new partnership on closing the gap will set concrete targets for the future: within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous children, within a decade to halve the appalling gap in infant mortality rates between Indigenous and non-Indigenous children and, within a generation, to close the equally appalling 17-year life gap between Indigenous and non-Indigenous when it comes to overall life expectancy.

In another seven years, will a future Australian Prime Minister deliver a speech which contains words that hold the same meaning? I would like to say, 'No', but the sad reality is that if a drastically different approach is not taken by Australian politicians to solving the problem of the disadvantage gap between Indigenous and non-Indigenous Australians then it is likely that a Prime Minister of Australia in 2021 will be talking about closing the gap with the same sense of helplessness, frustration and anger that many caring Australians, both Indigenous and non-Indigenous, feel today.

I offer to this chamber a different approach to closing the gap between the first people of Australia and those who have joined them from all over the world. This parliament that we serve in can be overwhelming if you let it, because of its size and grandeur. This Senate can intimidate and frighten, with its complicated rules and procedures. However, stripped away to its bare essentials, this is a place where we make decisions on how to share Australia's national wealth and prosperity with its people, through argument and debate.

Put simply, we sit at our nation's table, have a conversation and carve up a pie. That is putting it quite simply. We decide how much of the pie each Australian receives and how it is going to be eaten. How can Aboriginal and Torres Strait Islander Australians ever have a chance of receiving a fair share of the pie and determining how it is eaten if they do not have a permanent voice at our nation's table?

My message today is simple: if you want Australia's first people to have a fair share of our national wealth and a proper say in how it is spent, every piece of legislation that passes through this parliament must be scrutinised and spoken to from an Aboriginal and Torres Strait Islander point of view. It is as simple as that. This democratic objective can be achieved in a number of ways. We could establish parliamentary committees that review all legislation and ask these questions: (1) Will this be good or bad for First Australians?; (2) How can we improve this legislation to help indigenous people?

The other way to guarantee that every piece of Australia's national wealth wrapped up in documents we consider in this Senate is spoken to by an Indigenous voice is to establish
dedicated Indigenous seats in this parliament. This is not a new concept. A number of progressive countries have established dedicated Indigenous seats in parliament. Our brothers and sisters across the ditch, in New Zealand, established dedicated Maori seats in 1867. Importantly, the gap in the mortality rate between Indigenous and non-Indigenous people in countries that have dedicated Indigenous seats is lower than Australia’s gap. It is much lower.

An International Health and Human Rights research article in 2007—which examined the Human Development Index of Indigenous people in Australia, Canada, New Zealand and the United States—showed that Australia was the worst performing country. We should be ashamed of ourselves for that. We were the only country that did not have dedicated Indigenous seats. The study confirmed that the gap between Maori disadvantage/mortality of 8.5 years, and closing, is not as large as Australia's first people of 23.2 years, and widening.

If two or three per cent of Australia’s population is Indigenous, then I cannot see any good reason—and there is not one—why two or three per cent of our seats in parliament cannot be dedicated Aboriginal and Torres Strait Islander seats. This one change—dedicated Indigenous seats—while not a silver bullet, if international experience is to be valued and respected, will do more to close the gap than any other symbolic or practical measure that has been previously put before the Australian people. I will never understand in this nation why we see other nations doing so much better. It is such a simple procedure, but we refuse to follow it. We refuse to even debate on it, and we refuse to talk about it. And that is half the problem in this Senate chamber. We keep going over old ground, and we keep using old material. It is time to look forward to the future, and it is time to do things very differently in this chamber. Until we start doing so nothing will change. The Indigenous issues will never get better and the gaps will continue to widen. I ask the people in this chamber, for once in their lives, to have a good look around the world and see how others are doing it and how their performance is standing up against ours, because ours is bloody dismal. Our performance with Indigenous people and how we treat them is dismal. That is all I am asking for. Have a look at it; bring it in. I want it debated. I want it looked at.

Question agreed to.

MOTIONS

White Sharks

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:53): Mr Acting Deputy President, earlier today there was a vote taken on my sharks motion which I do not believe reflected the will of the Senate, and the President undertook to recommit that vote. I am just seeking clarification about when that will happen?

The ACTING DEPUTY PRESIDENT (Senator Edwards): Senator Siewert, we will seek clarification from the President.

Senator SIEWERT: That would be appreciated. Thank you.

MATTERS OF PUBLIC IMPORTANCE

Abbott Government

The ACTING DEPUTY PRESIDENT (Senator Edwards) (17:54): The President has received the following letter from Senator Moore:
Pursuant to standing order 75, I propose that the following matter of public importance be submitted to the Senate for discussion:

"The impact of the Abbott Government's chaos, dysfunction and division on business and consumer confidence".

Is the proposal supported?

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

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

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:55): This Abbott government's infighting, chaos and dysfunction not only is hurting the increasingly embattled Prime Minister and his hapless Treasurer but has also destroyed business and consumer confidence in Australia. This confusion grips the government on so many fronts that it is hard for business to be able to grow and to have any faith in them. And for businesses to grow and keep Australians employed they need strong consumer confidence. It is a measure by which they themselves can be confident that consumers will buy their products and services. However, this shambolic, dysfunctional government has lurched from policy crisis to policy crisis, giving no-one confidence it knows what it is doing. So much for Australia being 'open for business' under this government.

All of us in this place know that damage to consumer and business confidence means damaging our economy, leading to job cuts and the ensuing suffering that that brings. Australian families do not deserve to suffer because of division and dysfunction by this government. Australian mums and dads do not deserve to lose their jobs, have their hours of work cut or be unable to afford health care for their children because this government just wants to help the big end of town rather than supporting jobs and growth for all.

Consumer confidence and business confidence have crashed since leaks about last May's budget emerged. Consumers and businesses know this government is dysfunctional, and it is making everyone very nervous. According to the Westpac Consumer Sentiment Index, consumer confidence was at a level of 99.73 in April 2014 before crashing to just 91.1 in December 2014. That drop in consumer confidence is because of the actions of this chaotic government, whose policies have attacked those on pensions, students, public servants and the unemployed, amongst others. How do they expect consumer confidence to stay high when they produce policies that make sections of the community fearful for their futures? Similarly, business confidence has crashed from plus 10 in July 2014 to a level of plus two in December 2014, rebounding slightly to plus three in January 2015. It is likely that big business confidence will crash further in the next index, as they are fuming about this Prime Minister's plan to axe his promised Paid Parental Leave scheme for millionaire mums but keep the tax that was meant to pay for it. Business leaders have very publicly shown how upset they are about the Prime Minister's decision to keep the PPL tax.

Australian Chamber of Commerce and Industry Chief Executive Officer Kate Carnell said If he didn't ditch the levy and wanted to keep it, we'd be horrified … If that is the case it is just a tax.

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CHAMBER
It does not matter what they might want to call it; it is just a tax. I seem to remember from the 2013 election campaign that Mr Abbott promised ‘no new taxes’—just one of very many broken promises from this inept, dysfunctional government.

The Abbott government are so dysfunctional they are unable to keep a policy position for two days running, let alone keep a promise made before the election. There is still lack of clarity on their position on building subs at ASC. It was quite unequivocal before the election. They said that they would build at ASC in South Australia. The government then reversed that policy after the election. Just yesterday, Minister Andrews was joined at ASC by Liberal MPs Andrew Southcott, Matt Williams and Rowan Ramsey and Senators Sean Edwards and David Fawcett to announce—I might say—a rather confused position on the matter. They left parliament to fly to Adelaide—at a cost of who knows what, but thousands of dollars—for a press conference that did not really clarify the government's position and that in fact, I would say, added further to the confusion. It would have been better for them if they had not had that conference at all.

Last night I met with Australian shipbuilders and submarine builders in this place. They were extremely concerned that this government refuses to support Australian shipbuilding and submarine building. They were extremely disappointed that this government refuses to protect Australian jobs in an industry that develops important skills in the wider community. As an aside and as a senator who comes from a state that has a shipbuilding industry, I call upon this government to look to Australian shipbuilders before going overseas. Tasmanian-built ships have been used by both the Australian and US defence forces and I hope they, too, have a part to play in the future of Australia’s Navy. But back to the matter in hand.

The low consumer and business confidence has forced the Reserve Bank of Australia to cut interest rates to stimulate the economy. After staying on hold for the longest period since 1990, the Reserve Bank has had to act for the first time since August 2013. AMP chief economist, Shane Oliver, outlined some of the reasons why the RBA needed to make the cut, saying:

Growth is too low, confidence is subdued, prices for key commodities like iron ore and energy have collapsed resulting in a much bigger hit to national income than expected a year ago …

I am astounded at how the Treasurer, Mr Hockey, appears to have done a backflip on the meaning of a rate cut.

In May 2012, the then shadow Treasurer, Joe Hockey, said the rate cut was a sign that the government had lost control of the economy. He also said:

So of course, interest rates on average should be lower but if interest rates come down today, it is because the economy is struggling, not because it's doing well.

However, this week Mr Hockey has been saying:

This is good news for Australian families and it's good news for Australian business …

There does seem to be some hypocrisy and some conflict in these two positions. Interest rate cuts under Labor, bad; interest rate cuts under the coalition, good!

Under the watch of the government, unemployment hit a 12-year high in December 2014. Before the election of the dysfunctional government, they promised two million jobs over a decade. They are not off to a good start.
Unfortunately, tens of thousands of extra people have joined the unemployment queue since the last budget. While those opposite have been busy infighting and while they spent the first 520 days of their government in a dress rehearsal, waiting for the real show to begin—which I thought was going to begin on Monday, but I am still waiting for evidence of that—thousands of Australian families have lost their primary source of income. And young people are finding it harder and harder to find work as well. The Reserve Bank said in their rate cut decision:

Youth unemployment, which tends to be particularly sensitive to the business cycle, has increased notably; 270,000 people aged between 15 and 24 years are now unemployed, 20,000 more than a year ago.

This dysfunctional government has failed young people, whether they are unemployed or students. It really needs to get its act together. It has no plan to create jobs for young people, just cut pay and conditions, saddle them with higher university debt and make it harder for them to enter the property market.

I have spoken to a number of small businesses in Tasmania and they are extremely concerned about the slowing economy. Some people are unable to sell their businesses. They are just closing them and walking away from them—and that is happening just near my office. Small towns are becoming concerned about their viability.

Public servant job cuts by the Tasmanian state government has also depressed business and consumer confidence in my home state.

As can be seen from consumer confidence figures, Tasmanians are concerned about the future of the economy and are saving more and trying to write down debt. As can also be seen from consumer confidence figures, they do not believe that this government's cruel, heartless budget is the solution to the budget's woes. They reject the assertion that this government's vicious attacks on pensioners, the sick, the unemployed and students will lead to a better economy and a more prosperous future. And, as we saw from Monday's leadership vote, a large proportion of the Liberal caucus agrees.

This government is a bad government for Australia. Its own Prime Minister admitted as much when, on Monday, he said, 'Good government starts today.' I think the Australian people would be extremely disappointed to hear that good government was to start last Monday because, as I said before, Mr Abbott and his Liberal Party have been in power for 520 days. I ask again: what have they been doing in those 520 days? How come it has taken them so long to realise what a terrible government they have been, when the Australian people have been saying it for so long and when Labor, the crossbenchers, charities, NGOs and doctor groups, to name a few, have all criticised the government's policies? They obviously have not been listening, even though they say they do. The problems with their policies at heart are caused by their own incompetence and ineptitude. The instability of this government is evident. They are divided, dysfunctional and chaotic. Unfortunately, this dysfunction has led to a weaker economy, high unemployment and the destruction of business and consumer confidence. No wonder the Liberal backbenchers want to get rid of the dysfunctional Prime Minister and incompetent Treasurer.

Senator CANAVAN (Queensland) (18:05): As you know, Acting Deputy President Williams, I am only new to this place, so I am not sure if there is provision in the standing orders for the Labor Party to withdraw a matter of public importance after it was submitted in the morning before we start business, but I think they might have wanted to withdraw today's.
I was listening to Senator Bilyk's contribution very closely and she failed to mention one very important thing. Let's just look at what this matter of public importance, which the Labor Party would have submitted to the President at around 8.30 this morning, says:

The impact of the Abbott Government's chaos, dysfunction and division on business and consumer confidence.

The implication there, and certainly the implication in Senator Bilyk's contribution, is that business and consumer confidence is down. I am not sure that Senator Bilyk has kept up with the news today or if she just wanted to ignore it, but consumer sentiment came out today in the Westpac-Melbourne Institute Consumer Sentiment Index. Senator Bilyk mentioned the series in her contribution but failed to announce what happened today. She mentioned the figure for December correctly, but she failed to mention that last month it went up slightly to 93.2 and today it surged by eight per cent to 100.7, the highest level since January last year. Senator Bilyk failed to mention that.

I would like to ask the Labor senators who are following. Who do we have next? We have Senator Dastiari next. He is on the economics committee. He should have seen that release today. I would like to hear him explain that anomaly, because their whole matter of public importance is about trying to say that consumer confidence is down somehow because of this government. But it is not down, and if it is not down the whole argument falls down. It is gone; it is all over. Do I have to keep speaking for eight minutes? I suppose I will. It is gone. There is no argument for them to prosecute. Later I will go through some other economic stats which show the economy is actually quite strong. There are certainly challenges. We have gone through a terms of trade boom not seen since the 1850s, and that is slowing down, so there are clearly going to be challenges. But, all things considered, the economy is doing quite well.

I take you to the first half of the matter of public importance, which talks about chaos, dysfunction and division. If any party could help us identify chaos, dysfunction and division it would be the Labor Party. They are pretty good at it. I think they would be able to spot it if we needed them to. The last time they were in power and on this side, their mistakes were not as inconsequential as just a matter of public importance; their whole government was a running saga of chaos, dysfunction and division. I know you remember that, Mr Acting Deputy President Williams, and I certainly do. Right from the beginning it was a matter of chaos, dysfunction and division. Mr Acting Deputy President, you probably remember the 2020 Summit that they started. The Prime Minister was sitting on the floor with his notepad, looking very earnest and taking notes. All the best and brightest minds came to this place to try to find out what we should do for the nation, and they came up with one idea that they implemented: a tax review. So they had a tax review and then they came up with one idea to implement, and that was the mining tax. They implemented the mining tax. We spent all that money and we implemented a tax. It was the first tax I know of in history that actually cost the government money. The Labor Party found a way to implement a tax that actually cost them money—not just a small amount of money but a lot of money.

I remember when it was announced. I was in the lock-up. Kevin Rudd and Wayne Swan announced it, and it was going to raise almost $50 billion in its first four years. It was not in the forward estimates at the time, but later, through a committee process, we found out that Treasury estimated that in the first four years of operation it would raise $50 billion. It fell a
little bit short of that figure. They wanted $50 billion. We know now that in net terms it raised $300 million. They wanted $50 billion from the tax and it raised $300 million in net terms, and that is just what it raised for the Commonwealth Treasury. At the time they announced the tax, they announced all these weird and wonderful other spending programs with it. They announced mining exploration, tax credits, small business asset depreciation write-offs, an infrastructure fund. They announced all these different spending initiatives. The superannuation guarantee increases were probably the most costly. All up, they locked in $17 billion of spending with this tax. It was going to raise $50 billion and they locked in $17 billion of spending. They thought they had plenty of room but, in fact, they did not.

That is just one example. I am not sure that I will have time to go through all of these. I will focus on some that hit regional Australia, coming from this end of the chamber. Senator Nash would remember quite clearly the night that Four Corners ran a program about the live export trade. There was some very horrific footage and there certainly needed to be a policy response. Indeed, the first instinct of the then agriculture minister was right: he shut down the abattoirs. But that was not good enough for the Labor Party. They wanted to do more and, because of a TV program, they shut down our exports of food to our closest neighbour—more than 250 million people—overnight, without even the courtesy of a phone call. The Indonesians found out about it through the news. It was an absolute disgrace.

I will go through these. I like these ones. Remember they had all the wars, Senator Nash? They had the war on inflation and the war on obesity. Whatever happened to the war on obesity? I do not think we were successful on that one, Senator Madigan. Then we had a war on the greatest moral challenge of our time. We lost that one. After wars come coups and revolutions, and for good measure they had two of those. They backstabbed two sitting prime ministers and now they come into this chamber and try to lecture people about chaos and division.

I recognise that the Liberal Party have had a tough couple of weeks. I have publicly said that I hope they do not change aeroplanes mid-air, because I do not think it is a good idea. The example of the Labor Party is pretty clear. Once you go down that bloody path, it is pretty hard to come back from it. It has been a tough couple of weeks, but there is a difference between that side and this side. That side did it twice. That side unleashed the faceless men and executed two prime ministers in the space of three years; we did not. That side wasted billions of dollars and racked up $300 billion of debt; we did not. That side shut down an industry based on a TV program; we did not. There is a big difference to that side. That side weakened our border protection laws and let in 50,000 unauthorised arrivals; we have not. There is a big difference. That side, right up to today—Senator Nash, you would like this one—want to allow foreigners to buy farmland without any restrictions. They opposed the announcement today that we would reduce the threshold down to $15 million. We think there should be more review of those purchases.

I started this debate—and Senator Dastiari was not in the chamber for it—by saying their whole notion has no basis, because consumer confidence is actually up, not down, and it is the highest it has been since January last year.

Senator Dastyari interjecting—

Senator CANAVAN: In my final minute or so, I will go through that, Senator Dastyari. ANZ job ads have gone up 13½ per cent over the past year, and that has been the fastest
growth in 3½ years. We created more than 200,000 new jobs last year, and that is at the rate of about a job every 2½ minutes. Senator Bilyk's contribution was that four jobs were created. In the year before that, when Labor were in power, just over one job would have been created.

Business expectations are up. The Dunn and Bradstreet business expectations survey found the employment outlook right now is the strongest that it has been in 10 years. Our retail trade numbers have risen for seven consecutive months. Last year there were more than 200,000 new companies created, and that is a sign of confidence if nothing else. That is the highest level on record since ASIC started registering companies in 1999. The dwelling approvals are up 8.8 per cent in the past year. The consumer price index rose by just 0.2 per cent last quarter, after rising 0.5 per cent in the quarter before that. It is going at an annual rate of 1.7 per cent, well below the RBA's target band of two to three per cent. Electricity prices were flat in December, after falling by a record amount the quarter before, thanks to the carbon tax. These are the facts. We cannot take credit for all of them, but the economy is much stronger than it was when we came to power 16 months ago.

Senator WHISH-WILSON (Tasmania) (18:15): While we are talking about business, I noticed that so far we have not had any speakers talk about the difference between small business and big business.

Senator Back: Be patient!

Senator WHISH-WILSON: I think it is a really good place to start, and I am sure Senator Back will look forward to telling us about his small business experience, which I respect. But let's look at this. There are two million small businesses across this country. They make up the backbone of the Australian business community. Everybody knows someone who runs a small business. My wife and I have run two small businesses. They are the lifeblood of our communities and our economy.

What action has this government taken to help small business in this country? We have had an announcement of a 1½ per cent tax cut, which the Greens support. Before the federal election we brought in a policy to cut small business tax rates across this country by two per cent. We also wanted to increase the depreciation allowance for small businesses to $10,000. At that time the depreciation allowance in this country was $6,500, which allowed small businesses to go out and spend money in their economy, buy capital and immediately depreciate it to help their cash flow. It was very useful. We wanted more because we feel small businesses in this country deserve more.

What has happened to that $6,500 that these small businesses relied on? It has gone. That depreciation allowance was removed when this government scrapped the mining tax. The revenue that was going to be raised from the big end of town from some of the wealthiest companies in the world was going to go towards supporting small business in Australia. Because a lot of small businesses have what we call 'lumpy' cash flows, the loss carry-back provision allowed small businesses to write their losses off against incomes in different years. It was also a very useful strategy for helping small businesses thrive. That was also taken away when this government arrogantly and stubbornly removed the mining tax without any thought for small businesses.

Senator Back aside, why is it that the LNP take small business for granted in this country? Do they really think that small business owners will only vote Liberal at the next election? I
have got news for you. The Greens have the best small business policy of any party in this parliament. We have had for a while. I will admit it is sometimes hard to get that message out there, but eventually people will understand that we have been out there leading on small business. That is why Senator Milne came out this week and said she was happy to support a small business tax cut in this country because it has been our policy, supported by our members, for over two years now.

We want to see a bigger cut to small business. We are happy to see a two per cent cut. It is still only two per cent, but it makes a big difference if your cash flow is only $50,000 or $60,000 a year. While we are talking about business confidence, we have had the FoFA debacle, the attempt to repeal laws in this country for the big end of town and the damage that has done to a lot of small businesses in the financial services industry. Then we have these information leaks about tax evasion, private individuals and corporations. We have a set of laws that supposedly we are tackling through the G20, through APEC and through other forums to get rid of tax dodging by big, wealthy corporations. Where is the information-sharing plan between companies? We are going to be the last mover of all the APEC countries on sharing information to cut down on corporate tax deduction.

What about profit shifting and parallel pricing? These things are actually legal. They are loopholes that allow corporations to dodge tax while the man and woman on the street have to pay their fair share. These laws are unfair and they are unjust, and the Greens—hopefully, along with other people in this chamber—will stand up and make sure we get effective action on tax avoidance, because it ruins the morale of small businesses and workers in this country who work hard and pay their fair share of tax when they see big businesses getting away with tax evasion. So we need to do something about that, and if that is not a lack of confidence in this government's business abilities then I do not know what is.

Senator DASTYARI (New South Wales) (18:20): What a performance we had in this chamber from Senator Canavan just moments ago. Before touching on some of the points and the incorrect and false information that was presented to this chamber, I want to acknowledge the contribution of Senator Whish-Wilson, who actually outlined and detailed a series of policy failures from this government and the impact of those failures. Earlier we had Senator Canavan getting up here, giving a speech begging why the Australian people are not thanking this wonderful, fantastic government for the brilliant work it is doing in business confidence!

Let's be clear, when we are talking about confidence, there is one group that has no confidence in this government and that is the government itself. In the same week that 60 per cent of their own backbench tried to neck the Prime Minister, you have got senators getting up in this chamber talking about what a wonderful job this government is doing, how fantastic business confidence is and simply wondering why they are not being thanked for what has been failure after failure, lie after lie.

Business confidence in this country is down. Consumer confidence has consistently been taking a hit. Why? Because you have got a government that has not been honest with its own people. A government that has not been clear on who is responsible and what can and should be done. Of course there are economic challenges facing this country. Of course there are spending, fiscal and other challenges facing this country. But rather than have an honest debate, you have fearmongering. You have this whole fear of debt and deficit that does not match the reality of what has actually gone on in this country and of what has actually taken
place. The result of all of this has been a complete hit to Australian consumers. What we should be doing in this country is talking about, firstly, what the opportunities are for growth, not turning around and playing this complete blame game of saying, 'This group is responsible for debt and deficit, and this is what is going on'—none of this whole kind of fearmongering by the government. What this government should be doing is sitting down and saying: 'Here are the opportunities; here's what we can do; here's how we can work together and here's how we can face the challenges.'

The Westpac-Melbourne Institute Consumer Sentiment Index shows that confidence remains 10 per cent lower than it was at the election. As my colleagues have noted in this chamber, notably Senator Canavan amongst others, there is a blip in today's release—an uptick of eight per cent in January. But it is hardly reason for a celebration. According to Senator Canavan, who came and started calling it a surge, Westpac's chief economist himself, Bill Evans, commented that this is a stronger result than we had expected. And that is right. The experts are genuinely surprised by what was a blip in today's results.

The Saudis have flooded the market with fuel, lowering petrol prices—a 21 per cent drop in the past few months. We all know that, thankfully, there has been a recent interest rate cut which actually allows some people a little bit of relief from what is increasing desperation to be able to meet their repayments. And the share markets have been buoyant, among other things. But what you have here is a government in disarray. What you have here is a lack of faith in the Australian public. What you have here is a constant fearmongering—a constant scare campaign. Rather than having a government that is prepared to sit down and say, 'Here are the strengths; here is what is working in this country; here is how we improve; here is how we grow,' what you have is a government that is simply limping from crisis to crisis of its own. And, to do so, it is trying to create another crisis and pretend there is a greater crisis out there. Confidence—business confidence, consumer confidence—requires strong and stable government, and that is not what we are receiving from this government at the moment.

Senator BACK (Western Australia) (18:25): Once again I thank Senator Moore and the Labor Party for the opportunity to expose the absolute failure and the incompetence of their six years in government. I will come to Senator Dastyari in a moment; I will just let him stew for a few moments, though I will allow him just this one snippet for a minute. The last time the Labor Party in government actually brought down a surplus, you, Senator Dastyari—through you, Acting Deputy President Williams—were a kid in short pants. You were six years of age. The member for Longman, Wyatt Roy, the Prime Minister of Australia in 2050, was not even born; the man was not even alive.

Senator Dastyari: When's your next surplus?

The ACTING DEPUTY PRESIDENT (Senator Williams): Order!

Senator BACK: Isn't it incredible how they cannot ever listen in silence because they cannot hear the truth. We are talking about a crowd over there—and I will get to surpluses and I will get to confidence in a moment—that inherited a surplus in 2007 and turned it into billions of dollars of deficits. They were an outfit that had $30 billion in the bank to spend and managed to turn it into a nearly $500 billion debt.

Senator Dastyari: Did you hear of the GFC?
The ACTING DEPUTY PRESIDENT: Senator Dastyari, I made sure no-one interjected when you were presenting your speech. I ask you to show the same respect for others speaking in this chamber.

Senator BACK: I will come to the fact that then in government they had the best terms of trade in Australia's history. But what did they do with it? The first thing they did, of course, was to bring in a carbon tax and to send profitable businesses offshore. They had them compete unfairly with importing businesses which, of course, did not pay the carbon tax. The other industry going so well at that time was the resources sector, because we happened to have a product that the Asian neighbours all wanted. It was nothing to do with the Labor government—nothing to do with Mr Swan, the then Treasurer.

Senator Lines: Nothing to do with you, that's for sure!

The ACTING DEPUTY PRESIDENT: Order!

Senator BACK: It was the fact that we had commodities that were in demand and, of course, we had excellence—

Senator Lines: Nothing to do with you!

The ACTING DEPUTY PRESIDENT: Order on my left!

Senator BACK: in terms of iron ore and coal, and, more latterly, gas.

I turn now to Senator Whish-Wilson. Absolutely laudable, Senator Whish-Wilson—through you, Acting Deputy President Williams. Like you, small business—fantastic! A one-and-a-half per cent tax cut; I am glad you are going to support it. What else have we done? Red tape has been reduced. I hope that you—from your background, Senator Whish-Wilson—will be very, very keen to support us when we have a reasonable discussion about what the impediments are to small business in the hospitality and tourism sectors, particularly on weekends, because, again, those are going to be the areas. We have a look at interest rates and we see the benefits. You speak of the Greens policy associated with the mining tax. I know Senator Whish-Wilson well enough to know that he himself would never, in his small business, and nor would his wife in hers, go out and spend profits or income that they thought they were going to earn. We all said the mining tax would make no money. It made no money! But what did they do? They turned around and spent it, that grossly incompetent government. Do not link yourselves to them, whatever you do.

But when it comes to small business, you and I both know well about agribusiness and the farming sectors. I am very pleased to see the crossbench senators also devoting much time and attention. I am not going to go in any detail through the figures that Senator Canavan mentioned because they are there in Hansard for everybody to read, except to say—through you, Acting Deputy President Williams—to Senator Dastyari that these are not coalition statements; they are statements by the ANZ Bank. They are statements by the Dun and Bradstreet Business Expectations Survey. They are statements, again, by Ernst & Young—Independent, Senator Dastyari—and they talking about the parameters that we know to be so important.

Let's now turn to what this government is achieving. One of the great faults of the last government was the raising of sovereign risk. It was not just the loss of revenue, income and investment coming into this country; it was Australians going offshore. In my own state, 65 per cent of mining exploration went to Canada. Why? It was because of the imposition of the
carbon tax and mining tax. Sovereign risk was causing money to go from this country to other
countries. When we should have been investing in mining exploration here, investments were
going offshore. Nothing was coming in.

Let me tell you one of the greatest benefits of the work done by Mr Andrew Robb and
those fine officials in the department of trade—the three free trade agreements. Nothing was
achieved in the six years of the Labor government, but here we had free trade agreements with
Japan, Korea and China—

Senator Lines interjecting—

The ACTING DEPUTY PRESIDENT (Senator Williams): Order! Senator Back,
resume your seat. Senator Lines, when I am in this chair I continually have to bring you to
attention. Stop interjecting; it is disorderly. I will not say it again. I say the same to you as I
did to Senator Dastyari. When you are speaking, I will expect the other side to show the exact
same respect. I will not ask you again to cease interjecting. Are you listening to me, Senator
Lines?

Senator Lines: Yes.

The ACTING DEPUTY PRESIDENT: Okay. Continue, Senator Back.

Senator BACK: Thank you, Mr Acting Deputy President. I do appreciate that. This is a
very important point because most people talk about resources and commodities with these
free trade agreements. This is a stat that I would invite everyone to take on board. As Senator
Whish-Wilson would know, 70 per cent of the Australian economy is made up by the service
sector. It is not the resources sector—

Senator Lines interjecting—

The ACTING DEPUTY PRESIDENT: Resume your seat, Senator Back. Senator Lines,
I am very familiar with the standing orders. If you want me to read the part about naming a
senator, I will gladly read out section 203. Enough is enough.

Senator BACK: The point I am making is that the services sector makes up 70 per cent of
the Australian economy but it only contributes to 17 per cent of exports. With the Chinese-
Australian free trade agreement being signed, we find ourselves in a situation where the
Chinese, in addition to wanting our commodities and our resources, want our services. That is
what they want most. They want our legal services, education services, prudential regulatory
services and insurance services. In response to Senator Dastyari's allegations of no action,
imagine if we could move from 17 per cent of exports of services in this country up to 35 per
cent or 40 per cent, replacing what we are losing now in the resources sector. The same will
happen with Korea. There is an enormous opportunity for this to happen.

The number of tourists coming into Australia now is huge. They tell me that 100 million
Chinese travelled last year. That figure will increase to 200 million. We have opportunities in
our tourism and hospitality sectors. I gave a speech last year on long-term unemployment on
the Gold Coast. There was an interesting stat that Senator Muir might be interested in. There
are about 85,000 jobs urgently needing filling in the hospitality and tourism sectors in this
country at this moment. I am not suggesting that every long-term unemployed person might
be interested in those positions, but the number of people in long-term unemployment in this
country is 85,000. Imagine the increase we are going to have and are seeing already now with
the increase in tourism and hospitality.
I had the opportunity, at my own expense, to spend a week in Mexico in January. There are opportunities there for our country in higher education. Fifty thousand students leave Mexico each year in the energy sector and they need the skills we have for their skills development. PEMEX, the Mexican owned oil company, is setting up its own university and asking Australia for our assistance in mining exploration in the oil and gas sector. There are enormous opportunities for us.

I am an absolute optimist. When I have a look at what we have in this country, such as the fact that we are at the forefront of 3D printing, and the thousands of jobs that are going to be needed, I am an optimist. We do not need to be held back by a regressive opposition.

Senator MUIR (Victoria) (18:34): Please note that this is not my first speech; however, I am delighted to inform the Senate and those watching at home that I have booked that in for 5 March this year. I would also like to make a short contribution to today's matter of public importance. Some commentators may say that the fact I am speaking in the chamber two days in a row is a matter of public importance in itself! But I would like to speak on an issue that I believe is important and deserves attention. That issue is the renewable energy target.

On Monday, I attended a high-level industry and stakeholder roundtable on renewable energy hosted by the Australia Institute and chaired by Professor John Hewson. The roundtable created a renewed push to stop the attacks on the renewable energy target and make Prime Minister Abbott commit to the current target. The industry also turned its focus towards the longer term opportunities—in particular, how to secure stronger support for renewable energy.

Australia is at a crossroads in relation to the RET, and we have been here for far too long. The longer this discussion goes on, the harder it will get to meet the target. There are currently enough projects with planning approval that mean that Australia can meet the target of 41,000 gigawatt hours. Finding equity and investment to fund these projects is the problem, and this problem has been caused by the uncertainty created by the government.

The government's refusal to keep its commitment to the RET is creating investment uncertainty for the renewable energy sector, which must be allowed to continue to produce jobs and economic growth opportunities for all Australians. The renewable energy sector currently employs 21,000 people directly and tens of thousands more indirectly. A prolonged freeze on investment would put many of these jobs at risk. Renewable energy offers billions of dollars of investment in the future. Politicians who stand in the way of renewable energy are standing in the way of these future business opportunities and all the benefits that go with them.

I will stand firm to protect the current legislated RET. I do support minor amendments, such as extending the exemption to energy intensive industries to 100 per cent and recognising wood waste sourced from sustainably managed forests as an eligible source of renewable energy within the RET.

I also want to take this opportunity to remind the government of the importance of maintaining the Automotive Transformation Scheme at such a crucial time for the automotive industry. The loss of vehicle manufacturing in this country is tragic, and the flow-on effect through the supply chain will be huge. We need to focus on transitioning these workers and
businesses, not place further pressure on the industry by cutting short the Automotive
Transformation Scheme.

But one of the most important messages that I want to send to the government, and indeed the
opposition, today is that the RET needs bipartisan support. The renewable energy industry
needs bipartisan support. I urge the government and opposition to negotiate productively and,
for the sake of the sector, the environment, consumers and Australian jobs, reach an
agreement.

**Senator LINES** (Western Australia) (18:37): Before I begin, I want to put some more
truth around the statements that Senator Canavan came into this place to make today, when he
skited about the consumer confidence index. It was up 0.7. If we take 100 per cent as the
break-even point, it was 0.7 above that, so it is hardly something to brag about. Actually, if
Senator Canavan had bothered to read beyond the glossy headlines, he would have found that
it is a most peculiar increase in consumer confidence and is wholly reflected by Labor
supporters. The reason for that is that the survey was undertaken during the leadership debate
but before the spill motion. The confidence amongst coalition voters is at all-time low, and
that is well and truly reflected in the polls that we have had this week. So I suggest that, if
government senators want to come in here to brag and say that consumer confidence is up, it
was up slightly and it was up due to Labor voters, who at last thought, ‘Perhaps we are going
to be rid of a harsh, cruel Prime Minister and his budget.’

This week, we have seen the Prime Minister admit that his government has been bad, and I
agree with that. He is certainly a Prime Minister who, along with his Treasurer, is now on
probation. Sixty per cent of the Abbott government members, including, if we believe the
media, some of his ministers, told him on Monday they would rather have anyone other than
him as the Prime Minister—anybody. Joe Hockey has apparently vowed to avoid major
changes that would damage business, rejecting calls to lift tax rates or scale back tax
concessions for the rich, ruling that this would hurt business confidence. But this morning the
media described our Treasurer as ‘a dead man walking’. So how long will it be before we have
a new Treasurer, parroting yet another phrase? Really, how much credit can we give a
Treasurer described as ‘embattled’. The dysfunction, the chaos and the division within the
Liberal Party have been well and truly on display this week; they are out in the open and there
is no going back.

Still, I guess what we can be certain of is that, no matter who the leader is, or who the
Treasurer is, or whatever role the foreign minister might bid for, or how many votes are
bought in return for loose, open-ended promises on submarine tenders, or any other leadership
secret contender or pretender, the message from the Abbott government is the same and the
policies of the Abbott government will not change—and they are harming business and
consumer confidence in our country.

The first Abbott government budget was full of damaging changes. Since the election,
business confidence is down along with consumer confidence, despite Labor supporters being
somewhat gleeful that there might be a change in leader this week. Consumer confidence is
down 16 per cent, all as a result of the Abbott government's chaos, backflips and broken
promises, and now a warning from the RBA that lower growth is looming—the real and
harmful consequences being higher unemployment and more difficulties for young people
trying to find their first job. It is the dysfunction and chaos of the Abbott government which is
worsening unemployment in this country. It seems we have to call Mr Abbott our current Prime Minister, but the best that even Senator Canavan could do to shore up the Prime Minister was hope. He said he 'hoped' that there would not be a change. That is not a great, ringing endorsement that the current Prime Minister is going to be there for very much longer. Again, this dysfunction and chaos will harm the Australian community. It will harm business and it will harm consumer confidence.

Our current Treasurer believes that avoiding cutting taxes for the rich is the way to look after the average Australian, rather than actually supporting economic growth and jobs. The real truth behind their reluctance to pursue negative gearing or loopholes is that they do not want to upset their mates at the big end of town—that is the truth of it, but even the business community, particularly the big business community, is well and truly sick and tired of the dysfunction and chaos of the Abbott government. The chamber of commerce, usually good friends of the Liberal Party, agree with Labor on this. Kate Carnell said earlier in the week: 'This sort of leadership instability is actually poison for business confidence and for consumer confidence. It is essential the government focus on running the country.' This is from their mates. This is from business. So they cannot come in here and pretend that everything is hunky-dory in their parallel universe, because, in the real world of business, it is not.

The budget actually reduced economic growth by its impact on consumer confidence. The Liberals think that, if they say 'confidence is up', enough Australians will believe it. I am glad I have this opportunity to get this on the record: confidence is way down since the last federal election. We had Senator Back in here this afternoon trying to pull down penalty rates. If the government think that reducing penalty rates on the weekend is somehow going to lift business confidence, they do not have a clue—clearly, they have not got a clue. You do not attack penalty rates on business. There is a cost to running businesses on the weekend: it is a penalty rate for workers who are forced to work unsociable hours. That should be a given. If the government think that reducing the minimum wage or reducing penalty rates is somehow going to instil business confidence or consumer confidence, they know nothing. How do you increase consumer confidence when you shrink take-home pay?

I would have thought it was fairly obvious. If you reduce take-home pay people have less money to spend in the economy. It is not rocket science, but apparently it is something the Abbott government does not believe or does not understand, as their attack on penalty rates, saying it will be good for business, continues absolutely unfettered despite our being told that good government started last Monday, although we are still waiting on that.

We know that when people are optimistic, when they have money in their pocket and when their penalty rates or the minimum wage is not being attacked they are more likely to spend, and that leads to economic growth. We also know that when people are pessimistic they are more likely to save. I do not know why the Abbott government does not understand that. This is not a government that feeds optimism. The Prime Minister has the lowest poll rating of all time. It is time to listen, Abbott Government, time to act, time to stop pretending. If you are going to put in a new leader, get on and do it, but this chaos and dysfunction is now hurting our country.

Chaos and dysfunction has been a consistent trend since this government came into power. The latest chaos over leadership and the competence of the Treasurer will plunge any last scrap of confidence consumers had in this government even further. The Abbott government's
budget strategy—if you can call it that, it seemed just to attack working Australians—did not pay any attention to the economy. Again, if you make people poorer they will not spend money. When you hit everyday Australians in the way the Abbott government did in its unfair, harsh budget it does impact on confidence. Confidence will continue to go down until the Abbott government, or whoever is the Prime Minister, comes to its senses. In the meantime, the damage to business and consumer confidence will continue.

Mr Abbott has given Australians a government that cannot settle on one economic message, on one economic policy, and now they cannot settle on one Prime Minister. This is a government that tells us one thing while in fact doing another. It is a government of smoke and mirrors, a government of no substance. The RBA, the chamber of commerce and consumers all tell us that confidence is down, as are the polls, which have no confidence in this government.

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (18:47):
I rise to address this matter of public importance on the Abbott government. Labor has talked about a chaotic government, but leaders of both sides of politics in the past have said that one of the most fundamental tasks of government’s national security. I would like to step through three areas of national security where the Abbott government has proved why the coalition consistently is the side of politics people trust with national security.

When this government came into office we were facing the lowest level of defence expenditure since the 1930s. Some $16 billion had been cut from the budget, 119 projects had been delayed, 48 had been cut and eight cancelled altogether, and industry had shed some 10 per cent of its workforce in the defence industry space. It took some months after coming to government before we finally quantified just what the backlog was, even in areas such as maintenance and remedial work on base infrastructure. There was some $1 billion that Defence had had to pull out of essential maintenance just to cover the cuts that Labor had made elsewhere. This government, by contrast, has made a significant increase—some $29.3 billion in the 2014-15 budget, which is an 8.1 per cent rise—and is well on its way to achieving the two per cent of GDP for defence expenditure.

Intelligence and security is another area. The government has engaged with both the House and the Senate to move through various hearings with the Parliamentary Joint Committee on Intelligence and Security as well as stakeholders in the community, our security agencies, key pieces of national security legislation such as the counter-terrorism amendment bill (No. 1) and the foreign fighters bill, and we are currently working on the metadata retention bill. We have outlaid an additional $630 million to disrupt terrorist activities in Australia. We have seen just in the last 24 hours announcements by the Federal Police and the New South Wales police about the arrest of people in Sydney who were in the final stages of plotting to carry out a terrorist act in Sydney. The law enforcement authorities made a very clear point that it was these new laws, which have been steadily implemented by this government, that provided the environment whereby they were able to take the necessary steps to apprehend these two individuals and save lives.

The third area I will talk about is border protection. A key election commitment of the government was that we would restore integrity to Australia’s borders. It is something that the opposition, minor parties and many commentators said could not happen. They said that if we tried—if we did it—we would destroy our regional relationships. Let us compare and contrast
the successive governments. When Labor came to government there were no children in detention under PM Howard and the whole detention system cost less than $100 million per year. Under the Rudd-Gillard-Rudd government and all the chaos that represented, there were some 12 policy changes and initiatives all attempting not only to undo the Howard government policies but to put in place others when the problem started to get out of hand. The result was that the system ended up costing more than $12 billion—that is, it went from under $100 million to over $12 billion. Most significantly, and this is the thing that exercises a lot of people in the community—they are concerned about the welfare of children—under the Rudd-Gillard-Rudd policies the number of children in detention peaked in July 2013, just over 18 months ago, at 1,992. It went from zero under the coalition to 1,992 children in detention.

Under this government, the boats have stopped arriving, the costs of detention are decreasing and, importantly, not only are we clearing the backlog of some 30,000 asylum seekers who were refused the right to work—with all the attendant issues of mental health and purpose in life that go along with that—we now have TPVs and they have the right to work. Importantly, there are no children in detention on Christmas Island. We have managed in 18 short months to bring the number down from that peak of 1,992 to a total of 193 children, who are in detention because they wish to stay with their parents—193 versus 1,992 because of this government's policies.

It is important to remember that we are talking about the same departments, we are talking about the same equipment available and yet we are talking about an incredibly different outcome. And what is the difference? The difference is this government which has provided leadership and consistency. It has had the courage to take the hard decisions and it has had a steadfast commitment to protecting Australia's national interest, which is the most fundamental task of any government. This government has performed well in the most fundamental task that a government can.

Senator LAMBIE (Tasmania) (18:53): If Australia is to undo the damage, chaos, division and dysfunction that this government—and, let's be honest, the one before it—has caused to our economy and society, everyone knows that, while we need to readjust our spending priorities, we also need to reform our tax system. The disagreement between senators in this chamber is not about whether we legislate for tax reform, but how we legislate for tax reform. During my appearance on ABC TV's Q&A, I asked why Australia's major political parties were not considering a financial transactions tax. Both coalition and Labor politicians refused to debate the merits or otherwise of a financial transactions tax, and this only makes me fight harder and confirms that I am on the right path.

According to Parliamentary Library research:
In the aftermath of the global financial crisis the idea of applying a general FTT has been the subject of considerable debate.

In August 2009, Lord Turner, chair of the UK Financial Services Authority, canvassed the possibility of imposing a FTT on all financial transactions to promote an efficient financial sector, particularly more stable financial markets!

A general financial transactions tax has come to be seen as a way of reducing financial market volatility and excessive speculation in these markets as a safeguard against future financial crises.
The report continues:
Financial markets have massively expanded over the last few decades and it is argued a general FTT, even when applied at a relatively low rate, would raise substantial amounts of revenue.

It has been suggested that if a general FTT was applied globally the revenue raised could be used to fund a range of global public goods such as reducing poverty and combatting climate change.

If the rest of the world is debating an FTT, then why isn't Australia? (Time expired)

MOTIONS

White Sharks

The PRESIDENT (18:55): Before we move onto the next item of business, with the concurrence of the Senate I would like to recommit a vote that was taken earlier in the day. It was in relation to general business notice of motion No. 588. The result was called on the voices and it was resolved in the negative.

Senator Siewert, who was the mover of that motion, has ascertained that that may not have been the correct reflection of the vote. There was a lot of noise in the chamber at the time, and I called it on the voices I heard. Senator Siewert in goodwill did not interrupt the proceedings then, because we moved into the debate on Closing the Gap. I thank Senator Siewert for her patience and, with the concurrence of the Senate, I will now recommit that vote.

The question is that general business notice of motion No. 588 be agreed to.
Question agreed to.

DOCUMENTS

Australian Human Rights Commission

Tabling


Senator HANSON-YOUNG (South Australia) (18:57): I seek leave to make a short statement on the tabling of that document.

The PRESIDENT: Leave is granted for one minute, Senator Hanson-Young.

Senator HANSON-YOUNG: I am very happy to see the report finally tabled and we look forward to reading the contents of the 200-plus pages of that report. I want to point out how disappointing it is to see the government try their hardest to bury this report. They have waited to the very last moment to table what is a very serious report into what is institutionalised child abuse in this country—in detention centres, on the mainland and, of course, in the offshore facilities. This report is a damning reflection on what currently exists for the treatment of children. It is with great disrespect to those children, to the witnesses and to the Human Rights Commission that the government, despite having had the report since November, has waited until just before 7 o'clock this evening to table it. I look forward to reading it and considering its recommendations.
DOCUMENTS
Consideration

The documents tabled earlier today were called on but no motion was moved.

COMMITTEES

Scrutiny of Bills Committee
Report

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (18:59): At the request of the Chair of the Standing Committee for the Scrutiny of Bills, I present the first report and Alert Digest No. 1 of 2015.

Ordered that the report be printed.

Regulations and Ordinances Committee
Delegated Legislation Monitor

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (18:59): At the request of Senator Williams I present the Delegated Legislation Monitor No. 1 of 2015 of the Standing Committee on Regulations and Ordinances.

Ordered that the documents be printed.

Joint Standing Committee on Treaties
Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (18:59): Mr Acting Deputy President, I present the Joint Standing Committee on Treaties' Report 146.

Senator FAWCETT: I move:

That the Senate take note of the report.

The report contains the committee's views on the treaty between Australia and the Netherlands regarding the presence of Australian personnel in the Netherlands in response to the downing of Malaysia Airlines flight MH17. The committee would like to take this opportunity to echo the sentiments of the Parliament of Australia and express our condolences to the victims' families and their loved ones. We would also like to pay tribute to the dedicated Australian personnel who have worked so hard to bring the victims' remains home and to investigate the cause of the downing of MH17. We acknowledge the tragic and difficult circumstances under which they have been deployed.

This treaty did not follow the usual treaty-making process, as it was not tabled in parliament for 20 days before binding treaty action was taken. Instead the treaty was fast-tracked under the national interest exemption, an arrangement designed to facilitate urgent treaty action in exceptional circumstances. The treaty entered into force on the date it was signed by both Australia and the Netherlands, being 1 August 2014. The treaty was tabled on 30 September 2014 by the foreign minister with an explanation for the urgent action.

Mr Acting Deputy President, we are all familiar by now with the tragedy that necessitated this treaty: the downing of MH17 and the need to recover and repatriate the bodies of 38 victims from Australia; the launch of Operation Bring Them Home by the government; and the deployment of personnel from the Department of Defence and the Australian Federal
Police. Those personnel required certain rights and protections to facilitate that deployment, and in order to grant those the Netherlands required a binding treaty. It was necessary for the deployment to take place as quickly as possible, so the national interest exemption was invoked. This is the seventh time that this exemption has been invoked since it was instigated in 1996, and on three of those occasions it was to ensure similar protection of Australian personnel deployed abroad at short notice. In this instance, prompt action was required to allow the deployment to take place quickly and ensure that the legal framework was in place to enable this sensitive and important work to be undertaken.

Mr Acting Deputy President, the committee is satisfied that, in this case, there was justification to invoke the national interest exemption and supports the treaty. On behalf of the committee, I commend the report to the Senate.

Question agreed to.

Privileges Committee

Senator GALLACHER (South Australia) (19:02): At the request of Senator Collins, I move:

That the Senate:
(a) adopt the recommendation in the 160th report of the Committee of Privileges, on the use of CCTV material in Parliament House, that no contempt be found in relation to the matter referred; and
(b) adopt the following further recommendations made by the committee:

- That the Presiding Officers instigate the development of a new Code of Practice which restores the focus on matters of security and safety, and emphasises accountability to the Presiding Officers and the Parliament, with appropriate regard for the primacy of the powers, and immunities of the Houses and their members.
- That the review process involve consultations with members and senators and other building occupants, and give consideration to the matters dealt with in this report.
- That senior officers in the Department of Parliamentary Services involved in the administration of the CCTV system and other systems managed on behalf of the Parliament undertake some structured training to acquaint themselves with the principles of privilege.
- That the attention of the Finance and Public Administration Legislation Committee be drawn to the matters set out from paragraph 2.2, under the heading Contradictory evidence, relating to the misleading evidence given at its estimates hearing on 26 May 2014.

When Senator Collins tabled this report at the close of sittings last year, there was no opportunity to move its adoption. The Senate did however give Senator Collins leave to incorporate her tabling statement. The effect of the motion I move today is for the Senate to adopt the recommendations of the committee. If no other senator wishes to speak at this time, I seek leave to continue my remarks.

Leave granted; debate adjourned.

Membership

The ACTING DEPUTY PRESIDENT (Senator Sterle): Order! The President has received letters from a party leader requesting changes in the membership of committees.

Senator PAYNE (New South Wales—Minister for Human Services) (19:03): by leave—I move:
That senators be discharged from and appointed to committees as follows:

**Community Affairs Legislation and References Committees**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Economics Legislation and References Committees**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Education and Employment Legislation and References Committees**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Environment and Communications Legislation Committee**—
Appointed—
Substitute member: Senator Sinodinos to replace Senator McGrath for the consideration of the 2014-15 additional estimates from 23 February to 27 February 2015
Participating members: Senators Johnston, Mason and Sinodinos

**Environment and Communications References Committee**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Finance and Public Administration Legislation and References Committees**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Foreign Affairs, Defence and Trade Legislation Committee**—
Appointed—
Substitute member: Senator Sinodinos to replace Senator McGrath for the consideration of the 2014-15 additional estimates from 23 February to 27 February 2015
Participating members: Senators Johnston, Mason and Sinodinos

**Foreign Affairs, Defence and Trade References Committee**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Legal and Constitutional Affairs Legislation and References Committees**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos

**Rural and Regional Affairs and Transport Legislation and References Committees**—
Appointed—Participating members: Senators Johnston, Mason and Sinodinos.

Question agreed to.

**DOCUMENTS**

Senator PAYNE (New South Wales—Minister for Human Services) (19:04): I table documents relating to the orders for the production of documents concerning the Nationally Consistent Collection of Data on students with disability, the mental health review and affordable housing.

**COMMITTEES**

**Economics Legislation Committee**

**Foreign Affairs, Defence and Trade Legislation Committee**

**Report**

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (19:05): Pursuant to order and at the request of the chairs of the respective committees, I present
reports on legislation as listed at item 19 on today's Order of Business, together with the documents presented to the committees, and I move:

That the reports be printed.

Ordered that the reports be printed.

**BILLS**

**Fair Work (Registered Organisations) Amendment Bill 2014**

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

(Quorum formed)

**Senator McKENZIE** (Victoria) (19:08): I did make mention the last time I was up speaking about the government's Fair Work (Registered Organisations) Amendment Bill 2014 that the Labor Party is clearly running scared of the shambles of the CFMEU-run state, my home state of Victoria. This is the third quorum call, when all I have been trying to do is to put on the record the need for the Labor Party to stand behind the good workers of Australia, to stand behind the honest trade union organisations and to actually put integrity back into the trade unions and the vital role they play in ensuring fairness across Australian workplaces.

But, once again, our good arguments and good policy are falling on deaf ears.

In Victoria the actions of the CFMEU, which has been given a free pass by the new Victorian Labor government to continue the militant actions against the people of Victoria, must be halted. We know Labor is not the party to achieve this, with unions, including the CFMEU, bankrolling Labor's state election campaign to the tune of $1.6 million. In Victoria we are seeing Daniel Andrews' Labor government, led by the CFMEU's John Setka, removing the requirement for drug and alcohol testing on building sites. They are rolling back the move-on laws, giving union thugs more protesting power. And they are supporting a union blockade of supermarket chain Aldi. The Labor Party's opposition to the changes outlined in the Fair Work (Registered Organisations) Amendment Bill 2014 is clearly based on party and union affiliations rather than delivering the best for the people and the workers of Australia.

What has been made very clear to all of us in this place over recent times is that the people of Australia are absolutely sick of us standing here and arguing partisan positions. They want us to be focused wholly and solely on their needs and interests. The Liberals and Nationals are working as part of a coalition. We are the only parties committed to ending rampant and ingrained union corruption—that seems clear from the votes as they stand today. The key point is: if you are doing nothing wrong, you have nothing to fear. What does the Labor Party have to fear? Are there more Craig Thomsons sitting opposite? Are there Michael Williamsons lurking within the union movement that you do not want uncovered through the rollout of this legislation? It is time to restore confidence, and I call on those opposite for leadership.

**Senator RHIANNON** (New South Wales) (19:11): This is ugly legislation. Prime Minister Tony Abbott told Australians on Monday that he was building good government. But good for whom? This bill answers that question. It is good for the Prime Minister's mates, for the constituency of the Liberal and National parties, for the big end of town. This bill is a
reminder that nothing has changed under the Abbott government, nor would it change under a Turnbull government. Attacking the union movement to drive down wages and conditions, as set out in this bill, is integral to how the Liberals and Nationals operate. This is demand No. 1 from their constituency.

Senator Abetz, an expert in misleading statements, makes out that this bill puts corporations and unions on an even footing. This is so wide of the truth. Unions are required, under the Fair Work Act and other legislation, to be democratic organisations, which is as it should be. But corporations are not required to be democratic. Unions are required to publish their accounts and financial returns online every year, but proprietary limited companies are not. This bill is one of many shots that the Minister for Employment, Eric Abetz, has lined up against workers and their unions.

Senator Eric Abetz has likened the conservatives’ quest on the industrial relations front to the Thirty Years War that plagued central Europe in the 1600s. While much of this analogy appears to be an in-joke with his colleague, Gerard Henderson, this comparison does provide an insight into the take-no-prisoners approach of Senator Abetz. Here he is, the general of all he surveys. As 'General Abetz' looks out over the industrial relations battleground, while his gaze could not avoid the smouldering remains of WorkChoices, he would be pleased that the big guns, the three Cs—the Royal Commission, the Productivity Commission and the Fair Work Commission—have taken up their positions beside him. He has locked in terms of reference for these commissions to direct their work so it favours the business constituency of the Liberal and National parties. But 'the General' has more battalions—or probably a better comparison would be shock troops—lining up to fire away. These are the true directors of this operation, who Senator Abetz serves loyally—big business, their peak bodies and various hangers-on.

Senator Abetz obviously presents his role quite differently. In his address to the Sydney Institute he explained that he sees himself as 'the Minister for Jobs' and is 'equally mindful of the legitimate aspirations of employers and employees'. The minister might get away with this deception in the Gerard Henderson bunker, but his mission to strip unions of their ability to work for and protect workers' rights is exposed when it comes to responding to serious workplace incidents.

Less than two months after Senator Abetz gave his 'After the Thirty Years War' speech to the Sydney Institute, a fire and crane collapse at the massive Barangaroo development brought Sydney to a standstill, causing traffic chaos and requiring the evacuation of thousands of people in the central CBD. This was the third major safety scare on a Sydney building site in 18 months. In November 2012 a crane caught fire at Broadway, shutting down the building site for a fortnight. In early 2014 three people were injured and a building site was evacuated when scaffolding collapsed near Sydney Airport. Lend Lease, the company responsible for the Barangaroo project, has donated more than $420,000 to the Liberal and National parties. All incidents caused massive traffic congestion, clearly impacting on productivity way beyond the construction industry. What did we hear from Minister Abetz? Not a word, even though many businesses suffered because of the poor standards at these construction sites.

The minister does not take job safety seriously. One of the big battles in the current IR war that the Liberal-National government is waging is to remove workers' rights to have a union health and safety representative on major construction sites and for unions to fight to protect
job safety standards. Why is this? It is directly linked to businesses' push to boost their profits. The intent of the Liberals and Nationals when they take power is to weaken the power of unions, undermine collective bargaining, make it harder to strike—all with the intent of limiting wage rises, changing the law so that it is easier for employers to reduce wages and ignore longstanding job rights, including workplace safety. This is how Senator Abetz delivers on extensive workplace deregulation to help boost company profits.

Minister Abetz will fire back that his job is to clean up workplace crime, corruption and intimidation—he loves the word 'intimidation', linking it with alleged union activities at every opportunity. Yes, criminal behaviour should not occur in any workplaces. But we do not need a royal commission, a Productivity Commission and a Fair Work Commission to sort this out.

The front page of the Australian Financial Review on 12-13 October 2013 stated that industry groups in Australia are 'stepping up pressure on the government to accelerate workplace deregulation to lower the cost of doing business.' 'Lower the cost of doing business' means more profits. That is what it is about—boosting profits, lowering the cost of doing business, and that is where the link comes in with safety. This report was based on a call from the tourism and restaurant sectors for weekend and public holiday penalty rates to be cut. While Fair Work Australia rejected the claim, this industry sector had achieved their purpose—firing another round to hot up their 30-year war.

While employers are targeting conditions and penalty rates through the Fair Work Commission, the Abbott government is giving backup, using the Productivity Commission, with the same target in its sights. The Abbott government's terms of reference for the Productivity Commission inquiry into the Fair Work Act again deliver for the big end of town. The incredibly broad scope of this inquiry puts up in lights the real intent here. While the inquiry includes in its terms of reference language of apparent concern for working people—'fair and equitable pay and conditions for employees, including the maintenance of a relevant safety net', the overall thrust suggests this is laying the basis for Work Choices mark 2.

The third battalion the conservative government has lined up is the Royal Commission into Trade Union Governance and Corruption. Set up by the Abbott government, this body has been given terms of reference that will deliver months of public attacks on unions and those who stand up for workers' rights. It has been awarded a 12-month extension, which aligns it neatly with the coming federal election. At a time when money is supposed to be short, $53 million has already been allocated. Surely this is an abuse of public money to deliver a pre-determined outcome.

General Abetz's military style operation, with attacks on three fronts with these three commissions, would be welcome news for the coalition's constituency—the big end of town. The loss of Work Choices and the weakening of the ABCC—

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Sterle) (19:19): Order! I propose the question:

That the Senate do now adjourn.
Faulkner, Senator John Philip

Senator MASON (Queensland) (19:20): I want to pay tribute tonight to a distinguished senator and fine man who recently resigned from this place. He is a person I respect. Senator John Faulkner was a Labor warrior. He was a tough partisan, a skilled tactician, a fearless advocate and a relentless adversary. He was not to be trifled with, ever.

All senators serving in this chamber know of John's political achievements. He entered the Australian Senate in April 1989 and went on to serve in cabinet under three Prime Ministers, and as Leader of the Opposition in the Senate from 1996 through to 2004. He made his canonisation absolutely certain by serving as National President of the Australian Labor Party from 2007 to 2008—not a job which would be easy.

John was a master at Senate estimates. My first job in the Senate was as Chairman of the Senate Finance and Public Administration Legislation Committee. It was an absolute nightmare. Senator Faulkner and Senator Robert Ray were brilliant interrogators of hapless public servants, and I was but a very trivial obstacle—nearly road kill, perhaps—in their pursuit of government waste and coalition embarrassment. I remember a session late one night when the whole committee devolved into a shambles. I think it was Senator Fifield who said, 'Brett, this committee of yours is a shambles; it's becoming more like a chat show than an estimates committee.' They were difficult times, and I still have not recovered from Senator Faulkner's obsession with the wine cellar at Kirribilli House, which he described as fueling what he referred to as 'party central'—this from John Faulkner, the avowed teetotaller, of course.

John Faulkner relentlessly pursued transparency and accountability in government. These were always important issues for him but they were goals which he pursued with even greater vigour and zealotry after his retirement from the ministry. He always defended the Senate and politics and politicians; and, so often, I would hear John saying, 'I don't care whether you're a Labor, Liberal or Callithumpian. Everyone deserves respect who steps into the Australian parliament, because life isn't easy.' He said to me once, 'You know, Brett, there's not a lot of money and there's even a lot less love.' He respected politicians of all shades. He was a senior, successful and much-lauded politician. Yet, while I respect him for these achievements, as we all do, that is not why I like him.

I will never forget our first conversation. It was early in the year 2000. I was very new, and he caught me in a corridor just outside and was staring at me. I wanted to run away, thinking that this wicked old Leftie would catch me and nationalise me! His first words were: 'You seem to be enjoying yourself around here. I'm not sure I like that!' I froze. I could not say anything and I scampered.

As mentioned, I then had a lot to do with John in Senate estimates committees and, of course, the Select Committee on a Certain Maritime Incident, much more famously known as the 'children overboard' inquiry—very heady days. He would bark at me all day but, out of the public eye, he was always good fun, he was generous and he was witty. I remember going down to his office to ask him to sign for me a book that he had edited called True Believers: the Story of the Federal Parliamentary Labor Party. Let me read what he wrote:

But I liked John most of all because at a difficult time in politics he helped me. I remember, at a memorial service for the victims of the Bali bombings, he sat next to me and said, 'I hear you're having a tough time.' From memory, I agreed with that proposition. He said: 'Just remember, in this game you need some scar tissue—otherwise, the first punch will knock you out. It's painful, comrade, but it will do you good in the long run, trust me.' Of course he was right and, over the next 12 to 18 months, while resolving various political issues, John's advice would often resonate and echo in my mind. He would stop me now and then and ask how I was going. He provided the great solace—the great solace—of perspective. He was also a model of discretion. I knew he would never betray a confidence. You could make an arrangement with him and he would never break the deal. He was not tricky or devious and, just like you want government to be, he was always open and transparent.

John Faulkner was also great company. He was very well read but never showed off. He was nearly always the smartest person in the room but he had the great confidence not to need to prove that to everyone in the room. He knew more about Labor history, and indeed the broader political history of Australia, than nearly anyone in parliament.

While many people will remember John's political speeches, perhaps it is no coincidence that the ones I remember best are the ones about our shared passion, cricket. His speeches on the deaths of Sir Donald Bradman, Gary 'Gus' Gilmour and recently, of course, Phil Hughes were eloquent tributes not only to the great game of cricket but to these remarkable men who excelled at it. There were also some more curious contributions, such as John's obsession with the Glebe post office, which he went on and on about. But who will ever forget his moving motion of condolence on the death of Gough Whitlam?

This will sound like a strange thing to say but, despite his significance as a Labor leader and parliamentary performer, I always felt in the back of my mind that John was a bit shy—that he would be more comfortable curled up with a biography of one of his great heroes, John Curtin or Ben Chifley or Gough Whitlam, than debating budget bills in the Australian Senate. Perhaps when you appreciate that, before he worked in politics, John was a specialist teacher of children with severe disabilities, it makes sense that he never lusted after the limelight.

When I first had the privilege of serving in this place, I thought of John Faulkner as a class warrior. I was wrong: he was a warrior with class. The Senate is a poorer place for his leaving, and I miss him.

Queensland State Election

Senator LUDWIG (Queensland) (19:28): I congratulate Annastacia Palaszczuk and her team on the outstanding outcome for them in the recent Queensland state election. I thought I would take a moment to reflect on the Queensland election experience. The voters of Queensland spoke, and what they had to say applied not only to those representatives in George Street, Brisbane, but also to those sent to govern here.

The last Queensland election saw the Labor Party reduced to just seven seats in a house of 89, a loss that led some commentators to claim that the party would be out of government for over a decade—and I may have thought that too. The then incoming Newman government claimed a mandate for a budget of cruel cuts, much like we have seen from those opposite
under Prime Minister Abbott. No-one was spared. We saw cuts to nurses and hospitals. The Public Service was gutted, schools, pensioners, the unemployed—all of the usual targets we see when the LNP in Queensland say, 'It's time to tighten our belts.'

The following three years saw two by-elections in the seats of Redcliffe and Stafford. Labor, under Annastacia, won both of these seats with what could only be described as massive swings. At the time, the excuses from their opponents came hard and fast. The public were assured that they were both isolated results without broader implications for the state and that they would hear the message and get on with government. The voters subsequently disagreed with that view.

On Saturday, 31 January, they sent the Liberal government of Queensland a clear message: Queenslanders were tired of cuts and tired of broken promises. It is a message that Prime Minister Abbott and his colleagues, I think, have heard but perhaps they have not heard loud enough.

Mr Newman had a plan to sell $37 billion worth of assets, owned by Queensland taxpayers—assets that provided revenue to the state government, jobs for Queenslanders and affordable access to essential services. Labor had a better plan to fix the budget without compromising these assets. The plan included: streamlining the five state-owned companies into two, which would reduce overheads and would use these savings to pay down debt; and establishing a debt reduction trust that would see some revenue generated by assets quarantined in a special trust to pay down debt.

Labor fought for jobs in Queensland. When Campbell Newman took office, he inherited an unemployment rate of 5.5 per cent. On leaving government, unemployment had reached 6.9 per cent. That equated to an additional 37,000 Queenslanders who were left unemployed. Many, of course, as we now know infamously, he sacked. Labor had a plan for Queenslanders looking for work. The Working Queensland plan included: $240 million over four years to support up to 32,000 Queenslanders get back into work through local grant programs; $50 million over three years to reinvigorate science and innovation jobs; $34 million over three years invested in TAFE Queensland to restore its status as Queensland's premier provider of vocational education and training; and a 125 per cent payroll tax rebate for employers of apprentices and trainees, through a $45 million allocation over three years.

Not to stop there, Labor had a plan for rural Queensland. The LNP in Queensland had failed to move with the times with agriculture. They failed to realise that it is an industry that is more than just crops and livestock. They ignored the importance of the supply chain, innovation and enabling farmers to get the best possible price for their produce.

Labor had a plan and continues to recognise these challenges and will move to strengthen Queensland's rural communities. That plan includes: moving to establish a Rural Job Agency pilot program, which will help those in rural communities who are struggling to find different ways to upskill; undertaking a major review of the state's agriculture research and development to ensure that the best science is applied; strengthening trade missions, bringing overseas markets closer to Queensland produce through those linkages; and also, importantly, review Queensland's biosecurity capability to ensure the long-term viability of Queensland's high-quality agricultural produce.
Labor fought for hospitals, doctors and nurses. The LNP in Queensland, on the other hand, were so focused on meeting funding targets and ticking boxes that they lost sight of the much bigger picture. A healthy economy requires a healthy workforce. But the penny pinching saw nurses sacked in record numbers and health services across the board slashed.

Labor had a plan to restore Queensland's health system. That plan included: providing a nursing guarantee which, to start with, would see 400 new nursing positions; re-establishing the Patient Safety and Quality Improvement Service and, importantly, improving advocacy services for patients and family members to be able to review medical treatment plans.

Annastacia and her team are a prime example to all elected representatives of the importance of having a positive plan for governing. Queenslanders expect political parties to govern for everyone, not just their friends and donors or, in some instances, as Campbell Newman would say, 'I'll only help those who re-elect an LNP member in their electorate.'

Campbell Newman's hallmark was unfair budgets and it is infecting this joint as well. Unfair budgets that target the poor more than the wealthy are a shame. Queenslanders will not buy into the argument that you can reduce unemployment by laying off thousands of public servants who provide invaluable services across the board.

Queenslanders respect the need for law and order. However, we will not buy into cheap, shoddy tricks designed to distract us from the real issues. A proper law and order debate should always be had, but it should not be disguised. Queenslanders will not accept the false economic arguments that we can secure our long-term financial security by selling off our profitable state-owned assets. I think the electors of Queensland have made that fundamentally clear.

Have the government in Canberra learnt from what has happened in Queensland? If you look at the last couple of days, you would think they had learnt not very much at all. In fact, when you look at what has happened in the last couple of days you would see that they took the decision on Monday to start good government from that point. It is very surprising. The only conclusion you can come to is that they have been a bad government until then. It is not going to work. They will continue to be a bad government until such lessons that Queensland have experienced are learnt here. Once again, I want to take the time to congratulate Annastacia Palaszczuk and Queensland Labor on responding to the needs of Queensland. I thank the Senate.

Environment

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:36): Tonight I rise to talk about climate change, our oceans, ocean warming and sharks. 2014 was a record year, but there is nothing to be proud of in that record. It was hotter in 2014 than in any other year in recorded history, and already 2015 is shaping up to be even hotter than that. The consequences of this ever-increasing heat and the associated extreme weather events are devastating. My heart goes out in particular to those in my home state of Western Australia who have been affected by fires and are still being affected by fires that are blazing across the south-west of my home state. As well as more fires and more extreme storms and weather events, another consequence of climate change is that the ocean is getting progressively warmer. The frequency of extremely hot days in our coastal waters has increased by a third over the last 30 years. Our knowledge of what is happening in our oceans is growing and it is
unfortunately not good news. For example, the Argo program for floating robots has been profiling the ocean once every 10 days for the last eight years and the data on temperature and salinity that they are collecting shows that the oceans are under significant pressure and are continuing to warm at an alarming rate.

On top of that, ocean acidification, where human generated carbon dioxide is absorbed by the ocean, making it more acidic, is altering the chemical environment of our marine environment. More than 90 per cent of human induced planetary warming goes into our oceans. Small changes in the ocean can have huge impacts on our overall climate, and it is the southern oceans, particularly the South Pacific and the Indian Ocean, that have absorbed the majority of that extra heat. Australia, which suffered some of the first and most extreme impacts of climate change on land, is also suffering it in our oceans. We have already seen that extreme weather events such as marine heatwaves can do a significant amount of damage in a relatively short amount of time. In WA we saw an example of this a couple of years ago. For example, large seaweeds die off, disrupting the food cycle of turtles and shellfish, large sections of coral reef are rapidly bleached beyond recovery, and invasive species, like the Chinese green mussel that invaded Perth's Garden Island two years ago, can move into new territories. Warming over time has a slower effect, but there is no doubt that we are now seeing higher levels of acidification and species migration.

There is still so much we do not know about our oceans, but new monitoring data suggests that climate change is a factor in the changing behaviour of key species like sharks, which are being sighted more regularly and are changing their feeding and breeding habits. Of course, none of this was taken into account before the knee-jerk response of the WA government last summer, when they introduced the WA shark cull. Culling sharks is an arrogant policy that does not recognise how fragile our world is and how fragile our marine environments and our ecosystems are. Sharks are already under huge pressure, not just from climate change but from overfishing and pollution. There is clear evidence that if we wipe out sharks we lose the balance in our entire marine ecosystem, which has a devastating flow-on effect for not only the environment but also tourism, fishing and recreation.

I put a motion to the chamber, which was passed by the chamber today, condemning the serious threat guidelines, but I have also condemned the WA shark cull in the past. I once again condemn it here. It is time to go beyond the simplistic solutions that are often put in place by governments and do more harm than good. We need long-term thinking if we are to mitigate the worst effects of global warming.

Marine parks are part of that. Marine parks are an essential insurance against the impacts of climate change on our marine environment. A properly managed network that includes large interconnected sanctuary zones can relieve the impact of human activities, including fishing and pollution, as well as human induced warming, and can reduce the impacts on marine life. It has been 10 years since the federal government extended Ningaloo's sanctuary zones from 10 per cent of the reef to 34 per cent, making it one of the most highly protected marine areas in Australia. The result of this improved fishing, generated significant tourism and boosted the regional economy. One hundred and eighty thousand tourists a year visit Ningaloo and spend in excess of $141 million. Similarly, it has been 40 years since the Great Barrier Reef was turned into a marine management zone, which included some no-take sanctuaries. A 2012 study of coral trout and stripy snapper within a network of marine reserves on the Great
Barrier Reef provided clear evidence that these reserve networks make a significant contribution to restoring fish populations, not just in reserves but also for the benefit of local fishers.

These are success stories that could be and should be replicated around our nation. On paper, Australia has an amazing world-leading network of marine reserves, but the fundamental problem is that it is just on paper. One of the first moves of the Abbott government was to suspend our national network of marine sanctuaries. It got rid of the management plans and began a completely unnecessary review rather than getting on with implementing the management plans. We could now have been holding our head high and saying, 'We do have a world-leading series of marine protected areas.' The current review the government is carrying out is an expensive timewaster. There is already 10 years of work on the science of marine parks underpinning the creation of Australia's marine network. In fact, it even goes beyond that. In those 10 years, there were 600 days of consultation and 750,000 submissions, which were largely positive in supporting marine protected areas and the proposals for the marine networks around Australia. There was input from across the spectrum of ocean users, including recreational and commercial fishers. Clearly this new review will not be based on scientific evidence and what is best for our fragile oceans and marine ecosystems, but, rather, what is good for industry and what is good for the government's mates.

This is incredibly short-sighted, given the threats that face our marine ecosystems. We did see unnecessary cutbacks from the draft plans under the first proposal, which the ALP put up, including big bites for oil and gas. People probably recall I was in this place talking about the fact that the previous government had caved in to some big business around oil and gas, and even fishers complained that the oil and gas industry was being favoured, in particular oil and gas areas that were cut out of the north west zone in my home state of Western Australia.

Having said that, we still must remember that that was a world-leading proposal and series of marine protected areas, one that I was proud to talk about all over the world if I ever got the opportunity. I cannot imagine what will come out of this review process. But given its genesis, it can only be bad. It is time that we took the protection of our oceans seriously. It is time we took ocean warming seriously and realised what impact it is going to have not only on our marine environments but on our whole global environment. A world-class network of marine reserves and sanctuaries is a key way of mitigating some of the worst impacts.

That is not to say that, of course, we absolutely have to be reducing greenhouse gas emissions and our carbon dioxide emissions. However, given that the oceans have already absorbed so much carbon dioxide, even with reducing our emissions we know that it is going to have an impact on our marine environment. It is essential that we enable these marine parks to be put in place so they can play their part in protecting our absolutely unique marine environment in Australia's marine zone.

**Building and Construction Industry**

**Senator McKENZIE** (Victoria) (19:46): Two of the very first actions—and I have spoken already in the chamber today on this—of the new Victorian Labor government have been to abolish the state's safety- and efficiency-enhancing Victorian Code of Practice for the Building and Construction Industry and to take steps to repeal new police move-on powers that protect honest Victorian workers from the sort of ugly union pickets and violence seen...
during the 2012 Grocon blockade in the Melbourne CBD. These actions are an ominous sign of things to come.

In 2012, the then Victorian coalition government established a Construction Code Compliance Unit and Implementation Guidelines to the Victorian Code of Practice for the Building and Construction Industry. The code applied certain safety standards and obligations on construction projects carried out using taxpayer funds. Organisations that did not comply with the code faced penalties, including the possibility of a ban on tendering for government work. The premise was simple: if you want to do taxpayer funded work for the government, the government expects a high standard of conduct from you in respect of safety, efficiency, productivity and compliance with the law. It is hardly controversial.

In July 2014, the code was expanded to require random drug and alcohol testing on all major Victorian government projects. In October 2014, a new, stronger code was created to better promote safe and productive construction sites. Surprisingly, the CFMEU in Victoria actively opposed medical drug and alcohol testing on construction sites. If there is one workplace in which it is incredibly unsafe for a worker to be affected by drugs and alcohol, it must be on constructions sites.

In March 2014, the Productivity Commission published a draft inquiry report on public infrastructure. The report found that Victoria's code and guidelines were 'the most influential' of the codes, and that codes and guidelines linking government procurement to contractors' workplace arrangements were 'the most powerful instruments for state influence of workplace relations'. It also found that the most promising policy approach to countering high costs, sweetheart deals and coercion would be for governments to use their purchasing power to leverage good behaviour and that this could be achieved by adopting guidelines similar to those that existed in Victoria. The report concluded by recommending that:

Australian, State and Territory governments should adopt codes and guidelines with an essentially similar framework to the Victorian Code of Practice for the Building and Construction Industry for their own major infrastructure purchases.

The Australian Government should require compliance with these guidelines as a precondition for any infrastructure funds it provides to State and Territory Governments.

But Premier Daniel Andrews—sorry, it is Dan now—has scrapped it all. The abolition of the construction code will cost Victorians hundreds of millions of dollars in higher construction costs, money which could otherwise have been spent on new hospital beds, classrooms or, indeed, ambulance stations. Its abolition will also remove the requirement for drug and alcohol testing on building sites. The fact that Daniel Andrews is prepared to compromise the safety of Victorian workers shows just how far he will go to gratify his favourite union. Premier Andrews knows this is all too true, and that is exactly why he snuck this announcement into the last line of a press release on whooping cough.

In late 2013, the state coalition government introduced laws to expand the move-on powers of police to prevent the most serious forms of inappropriate protest. Contrary to exaggerated Labor and union claims that the laws are an attack on peaceful protest and freedom of speech, the expansion of these laws merely allowed police to move on protestors where a person has committed an offence in the public place within the last 12 hours, is causing 'a reasonable apprehension of violence in another person', is causing or likely to cause 'an undue obstruction' to people or traffic, is in the place to unlawfully procure or supply a drug of
dependence, or is impeding or attempting to impede another person from lawfully entering or leaving premises. These laws were not directed to people engaged in appropriate lawful protests, those that were exercising their rights to communicate their ideas. They remained free to do so. The move-on laws addressed those that went too far.

To see the value of these laws, one only needs to think back to the protest by the CFMEU of Grocon in which CFMEU officials and construction workers were seen on TV pushing and punching police horses. In that protest the CFMEU prevented workers who wanted to work from getting onto a construction site, and when the workers were escorted by police into their workplace through a back door the protesters were taking their photos and calling out to them, 'Show us your face, scab!' and 'Die, scab, die!' It would be great to hear the Greens commenting on the violence perpetrated on those police horses during that particular protest, but there has been silence from Senator Rhiannon. Please get on board. Giving the police move-on powers in these circumstances is hardly the overreach trumpeted by Labor and their union mates. If the CFMEU had its way, unions would be a law unto themselves.

At that same Grocon blockade CFMEU official Derek Christopher said: 'There are 11,000 coppers in this country or in Victoria and there are 30,000 members of the CFMEU, and greater amongst the other unions when we call on their support. We are up around the 50,000 mark. So bring it on. We're ready to rumble.' Is that the sort of behaviour that Premier Andrews condones? Former judge and Royal Commissioner Terence Cole has said, 'Only a political party in thrall to the building unions would contemplate abolishing a state's building code.' Yet it seems Premier Andrews is more concerned about retaining good relations with the CFMEU than he is about the workers who want to get the job done, Victorians who want to be kept safe, or taxpayers who foot the bill for construction projects delivered over time and over budget over and over again. Maybe he is influenced by the hundreds of thousands of dollars donated to the Victorian ALP since Andrews took over the leadership. What is certain is that Premier Andrews is dancing to the tune of the unions.

And what has Premier Andrews agreed to? He has left the Victorian taxpayer open to taking Victoria back to the bad old days of delays, cost blow-outs and union militancy. This just shows that the new Victorian government are beholden to the militant CFMEU and their other union mates. Without an effective building and construction watchdog, Premier Andrews risks sending Victoria back to the bad old days, identified in the 2003 Cole royal commission, where the rule of law no longer had any significant application. There was significant misuse of rights of entry and a significant misuse of safety issues in order to advance industrial demands. This simply leads to delays and cost blow-outs which are passed on to the consumer and the taxpayer.

The unions have been campaigning for these regressive steps ever since the former Victorian coalition government announced that it would introduce a construction code compliance unit and the new move-on powers. In early 2014, Trades Hall orchestrated a protest against the move-on powers and then reported their plan to run an ongoing campaign against the laws. The council still reports that its agenda was to run the very campaign that Premier Andrews has taken up. Brian Boyd reports that this is about the anti-move-on powers rally. It was stated by a number of speakers that this was an important issue, especially in an election year. It was agreed the campaign would continue to oppose these new laws and, if passed, to see them repealed at the earliest opportunity. I tell you what: on their first day on
the job they were fulfilling their promises to their union bosses. The CFMEU similarly reported about the rally on its website. Trades Hall secretary Brian Boyd closed the rally by promising a campaign of protests and civil disobedience right up until the November election. And their campaign succeeded, thanks to Victorian Premier Daniel Andrews.

The Premier who was happy to slug taxpayers a potentially multibillion-dollar compensation bill for not building a road in order to get a Green vote did not even pretend to be acting in the interests of Victorian people at the election. Instead, the aspirant premier said: 'There are some that wanted the election to be all about unions and workers, and that is exactly what it was.' Anyone concerned about maintaining safe, productive and law-abiding construction sites should be seriously concerned about the industrial policy of Premier Andrews and the Victorian Labor government.

Senate adjourned at 19:56

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:


Departmental and agency grants—Additional estimates—Letters of advice pursuant to the order of the Senate of 24 June 2008—

Department of Employment.

Department of Infrastructure and Regional Development.

Estimates hearings—Unanswered questions on notice—Budget (supplementary) estimates 2014-15—Statements pursuant to the order of the Senate of 25 June 2014—

Agriculture portfolio.

Office of National Assessments.

Tabling

The following documents were tabled by the government pursuant to statute:

131st Inter-Parliamentary Union Assembly, Geneva, Switzerland and bilateral visit to European parliaments and institutions—Report of the Australian parliamentary delegation, 4 to 16 October 2014, dated February 2015.

Mid-year economic and fiscal outlook—2014-15—Statement by the Treasurer (Mr Hockey) and the Minister for Finance (Senator Cormann).

Institutional Responses to Child Sexual Abuse—Royal Commission—Reports of Case Studies—
No. 4—The experiences of four survivors with the Towards Healing process, dated January 2015.

No. 6—The response of a primary school and the Toowoomba Catholic Education Office to the conduct of Gerard Byrnes, dated January 2015.

No. 8—Mr John Ellis's experience of the Towards Healing process and civil litigation, dated January 2015.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Personal identifiers
1001230, 1001290, 1001305, 1001311, 1001313, 1001316, 1001317, 1001327, 1001410, 1001440, 1001459, 1001461, 1001462, 1001476, 1001478, 1001485, 1001495, 1001504, 1001509, 1001518, 1001523, 1001524, 1001528, 1001529, 1001531, 1001532, 1001536, 1001541, 1001544, 1001548, 1001553, 1001554, 1001595, 1001602, 1001604, 1001608, 1001609, 1001614, 1001627, 1001641, 1001642, 1001684, 1001687, 1001696, 1001699, 1001730, 1001731, 1001732, 1001752, 1001758, 1001774, 1001777, 1001779, 1001782, 1001826, 1001839, 1001841, 1001861, 1001861, 1001872, 1001873, 1001881, 1001882 and 1001888—
Commonwealth Ombudsman's reports, dated 11 February 2015.
Government response to Ombudsman's reports, dated 28 January 2015.
Northern Territory Fisheries Joint Authority—
Regional Forest Agreement between the Commonwealth and Western Australia—Joint Australian and Western Australian government response to the Review of the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia for the period 1999-2009, dated November 2014.
Vacancy in the representation of New South Wales—Letter to the President of the Senate from Senator Faulkner, dated 6 February 2015 [original].

Order for the Production of Documents

The Minister for Human Services (Senator Payne) tabled the following document:
Social issues—Homelessness and affordable housing commitments—Letter to the President of the Senate from the Assistant Minister for Social Services (Senator Fifield), dated 11 February 2015, responding to the order of the Senate of 10 February 2015.

The Minister for Human Services (Senator Payne) tabled the following document:
Health—National Mental Health Commission—Mental health review—Letter to the President of the Senate from the Assistant Minister for Health (Senator Nash), dated 11 February 2015, responding to the order of the Senate of 9 February 2015.

The Minister for Human Services (Senator Payne) tabled the following document:
Education—Students with disability—Nationally consistent collection of data—Letter to the President of the Senate from the Minister for Education and Training (Mr Pyne), dated 10 February 2015, responding to the order of the Senate of 3 December 2014 and raising a public interest immunity claim.