**INTERNET**

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the Senate and committee hearings are available at

For searching purposes use
http://parlinfo.aph.gov.au

**SITTING DAYS—2015**

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
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<td>9, 10, 11, 12</td>
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<tr>
<td>March</td>
<td>2, 3, 4, 5, 16, 17, 18, 19, 23, 24, 25, 26</td>
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<td>May</td>
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<td>November</td>
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<td>December</td>
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**RADIO BROADCASTS**

Broadcasts of proceedings of the Parliament can be heard on ABC NewsRadio in the capital cities on:

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<td>CANBERRA</td>
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For information regarding frequencies in other locations please visit
http://www.abc.net.au/newsradio/listen/frequencies.htm
FORTY-FOURTH PARLIAMENT
FIRST SESSION—SEVENTH 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 Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. 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 Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy
Leader of the Australian Greens—Senator Richard Di Natale
Co-deputy Leaders of the Australian Greens in the Senate—Senator Scott Ludlam and Senator Larissa Joy Waters
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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
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<tr>
<td>Back, Christopher John</td>
<td>WA</td>
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<td>LP</td>
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<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
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<td>ALP</td>
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<tr>
<td>Birmingham, Hon. Simon John</td>
<td>SA</td>
<td>30.6.2020</td>
<td>LP</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
<td>QLD</td>
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<td>LP</td>
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<td>Brown, Carol Louise</td>
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<tr>
<td>Bullock, Joseph Warrington</td>
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<td>Bushby, David Christopher</td>
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<tr>
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<tr>
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<tr>
<td>Colbeck, Hon. Richard Mansell</td>
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<tr>
<td>Collins, Hon. Jacinta Mary Ann</td>
<td>VIC</td>
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<td>ALP</td>
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<tr>
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<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<tr>
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<td>Leyonhjelm, David Ean</td>
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<td>Lines, Susan</td>
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<td>Mclucas, Hon. Jan Elizabeth</td>
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<td>Moore, Claire Mary</td>
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<td>Muir, Ricky Lee</td>
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<td>AMEP</td>
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<td>NSW</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
<tr>
<td>Gallagher, K.</td>
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<td>Scullion, N. G.</td>
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<td>Wong, Hon. Peenelope Ying Yen</td>
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<tr>
<td>Wright, Penelope Lesley</td>
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<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2020</td>
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</table>

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

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

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

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

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

**PARTY ABBREVIATIONS**

AG—Australian Greens; ALP—Australian Labor Party;
AMEP—Australian Motoring Enthusiast Party; CLP—Country Liberal Party;
FFP—Family First Party; IND—Independent, LDP—Liberal Democratic Party;
LNP—Liberal National Party; LP—Liberal Party of Australia;
NATS—The Nationals; PUP—Palmer United Party

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Acting Secretary, Department of Parliamentary Services—D Heriot
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
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<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>Hon. Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></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 on Counter-Terrorism</td>
<td>Hon Michael Keenan MP</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>Hon. Charles Porter MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Hon. Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>Hon. Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td></td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>Hon. Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Hon. Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>Hon. Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Hon. Steven Ciobo MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Trade and Investment</td>
<td>Hon. Steven Ciobo MP</td>
</tr>
<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon. Eric Abetz</td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
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</tr>
<tr>
<td>Assistant Minister for Employment</td>
<td>Hon. Luke Hartsuyker MP</td>
</tr>
<tr>
<td>(Deputy Leader of the House)</td>
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</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon. George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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</tr>
<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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</tr>
<tr>
<td>Minister for Justice</td>
<td>Hon. Michael Keenan MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Attorney-General</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>Hon. Joe Hockey MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>Hon. Bruce Billson MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>Hon. Joshua Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>Hon. Kelly O’Dwyer</td>
</tr>
<tr>
<td><strong>Minister for Agriculture</strong></td>
<td>Hon. Barnaby Joyce MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>Senator the Hon. Richard Colbeck</td>
</tr>
<tr>
<td><strong>Minister for Education and Training</strong></td>
<td>Hon. Christopher Pyne MP</td>
</tr>
<tr>
<td>(Leader of the House)</td>
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<tr>
<td>Assistant Minister for Education and Training</td>
<td>Senator the Hon. Simon Birmingham</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education and Training</td>
<td>Senator the Hon. Scott Ryan</td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>Hon. Scott Morrison MP</td>
</tr>
<tr>
<td>Assistant Minister for Social Services</td>
<td>Senator the Hon. Mitch Fifield</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon. Marise Payne</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Social Services</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td><strong>Minister for Industry and Science</strong></td>
<td>Hon. Ian Macfarlane MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Industry and Science</td>
<td>Hon. Karen Andrews MP</td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>Hon. Kevin Andrews MP</td>
</tr>
<tr>
<td>Minister for Veterans' Affairs</td>
<td>Senator the Hon. Michael Ronaldson</td>
</tr>
<tr>
<td>Title</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td><strong>Senator the Hon. Michael Ronaldson</strong></td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td><strong>Hon. Stuart Robert MP</strong></td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
<td><strong>Hon. Darren Chester MP</strong></td>
</tr>
<tr>
<td><strong>Minister for Communications</strong></td>
<td><strong>Hon. Malcolm Turnbull MP</strong></td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
<td><strong>Hon. Paul Fletcher MP</strong></td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td><strong>Hon. Peter Dutton MP</strong></td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td><strong>Senator the Hon. Michaelia Cash</strong></td>
</tr>
<tr>
<td><strong>Minister for the Environment</strong></td>
<td><strong>Hon. Greg Hunt MP</strong></td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for the Environment</td>
<td><strong>Hon. Robert Baldwin MP</strong></td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td><strong>Senator the Hon. Mathias Cormann</strong></td>
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<tr>
<td>Special Minister of State</td>
<td><strong>Senator the Hon. Michael Ronaldson</strong></td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance</td>
<td><strong>Hon. Michael McCormack MP</strong></td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td><strong>Hon. Sussan Ley MP</strong></td>
</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
<td><strong>Hon. Sussan Ley MP</strong></td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td><strong>Senator the Hon. Fiona Nash</strong></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.
<table>
<thead>
<tr>
<th>TITLE</th>
<th>SHADOW MINISTER</th>
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<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon. Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon. Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon. Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon. Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Dr Jim Chalmers MP</td>
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<tr>
<td>Deputy Leader of the Opposition</td>
<td>Hon. Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
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<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
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Tuesday, 8 September 2015

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

DOCUMENTS

Tabling

The Clerk: Documents 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

Meeting

The Clerk: The following notifications have been received:

Environment and Communications Legislation Committee—public meeting during the sitting of the Senate on Wednesday, 9 September 2015, from 3.05 pm, to take evidence for the committee's inquiry into the Landholders' Right to Refuse (Gas and Coal) Bill 2015.

Joint Standing Committee on Foreign Affairs, Defence and Trade—public meeting during the sitting of the Senate on Wednesday, 9 September 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.

Legal and Constitutional Affairs References Committee—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.30 pm, for the committee's inquiry into the circumstances surrounding a letter sent to the Attorney-General.

Select Committee on the National Broadband Network—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 1.45 pm.

Joint Select Committee on Northern Australia—public meeting during the sitting of the Senate on Tuesday, 15 September 2015, from 6 pm.

Joint Standing Committee on Treaties—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 10 September 2015, from 3.30 pm.

The PRESIDENT (12:32): Does any senator wish to have the question put on any of those motions? There being none, we will proceed.

BUSINESS

Consideration of Legislation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:32): I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Aged Care Amendment (Independent Complaints Arrangements) Bill 2015
- Banking Laws Amendment (Unclaimed Money) Bill 2015
- Broadcasting Legislation Amendment (Primary Television Broadcasting Service) Bill 2015.

Question agreed to.
BILLS
Banking Laws Amendment (Unclaimed Money) Bill 2015
First Reading
Bill received from the House of Representatives.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:32): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:33): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

BANKING LAWS AMENDMENT (UNCLAIMED MONEY) BILL 2015

Today I introduce a Bill to reverse the previous government's changes to Australia's unclaimed moneys provisions.

From 31 December 2015, this Bill will ensure that funds from Australians bank accounts and life insurance policies can only be transferred to the Australian Securities and Investments Commission after they have been inactive for at least seven years.

Australia has had provisions to affect the transfer of unclaimed funds to the government since at least 1911. They exist to protect Australians forgotten funds from being eroded by fees and charges, but no matter what, these funds continue to belong to their rightful owner and can be reclaimed at any time.

Between 1911 and 2012, accounts must have been inactive for at least seven years before funds could be transferred to the Commonwealth. Under these rules, only $70 million in unclaimed funds were transferred to ASIC in 2011-12.

However in late 2012, the previous government reduced the required period of inactivity to three years. This resulted in $550 million from thousands of accounts being transferred to ASIC in 2012-13—an almost eight fold increase in a single year. Many of these accounts were certainly not unclaimed or forgotten, but were transferred to the government regardless in order to improve the budget bottom line.

For many Australians this meant cancelled holidays and delays in purchasing new goods—washing machines, dishwashers, and cars—that were crucial to their families. For some Australians the consequences of not being able to access their hard earned savings when they needed to were even more severe. Many Australians, particularly in regional areas, were placed in positions of financial difficulty. In the worst cases, some individuals have had to sell their homes. This is unacceptable.

We did not support this change in Opposition and, as promised, in Government we will make it right. That is why, in the 2015-16 Budget, we committed to reforming the unclaimed moneys provisions.

Returning the required period of inactivity before savings and life insurance policies can be transferred to ASIC to seven years will drastically reduce the number of effectively active accounts that are transferred to ASIC each year.
This change will cost the Government $285 million over four years, however will save the community $36 million each year in reduced red tape costs as fewer accounts must be transferred from, and returned, to account holders.

To further ensure that only funds that are truly forgotten are transferred to ASIC, this Bill also expands the ways in which account holders can keep their accounts active. This Bill will ensure that if an account holder alerts their financial institution to the fact that they are aware of their account in any way prior to their funds being transferred to ASIC—including simply checking a balance online—that transfer will no longer occur.

This Bill will also exempt children’s accounts and foreign currency accounts from the unclaimed moneys provisions entirely.

Many Australians set money aside for their children’s future and trust that this money will continue to grow in value and be available for their children when they are ready.

In recognition of this fact and to reward, not punish, those Australians working hard to contribute to their family’s future, children’s accounts will never be transferred to the government.

Foreign currency accounts, meanwhile, are primarily used by sophisticated consumers to settle complex business transactions.

Not only does transferring these accounts to the government potentially disrupt these processes, it also exposes the account holder to the risk of a loss as their funds must be converted to Australian Dollars at the prevailing exchange rate before they can be transferred to ASIC. In line with the Government’s commitment to protect Australian businesses from excessive red tape, these types of products will also be exempted entirely from the unclaimed moneys provisions.

Not only did the changes made by the previous government leave many Australians financially distressed, the unprecedented growth in the value of money transferred to ASIC also highlighted glaring deficiencies in the way that account holders’ personal information is protected.

ASIC is currently required to publish an Unclaimed Moneys Gazette online with detailed personal information, which includes a person’s name, last known address and the amount of money they have unclaimed. The Information Commissioner has raised concerns about the potential for identity theft using currently published information.

Some unscrupulous businesses are also using this information to charge fees as high as 25 per cent to reunite people with their own money. The Government and financial institutions do not charge account holders for this service.

To protect those Australians with unclaimed moneys from exploitation, this Bill will remove the requirement for ASIC to publish the Unclaimed Money Gazette and will introduce secrecy provisions to ensure that only individuals with unclaimed accounts or those acting on their behalf will be able to access their data through Freedom Of Information requests.

As stated before, this Bill delivers on the Government’s promise to reform the unclaimed moneys provisions and contributes to the Government’s promise to support Australian business by reducing red tape by at least $1 billion each and every year. This Bill will leave more Australians in control of their own finances, better protect their personal information, and leave a safety net in place to protect those with truly forgotten amounts from having their value eroded by fees and charges.

Senator POLLEY (Tasmania) (12:33): I rise to inform the Senate that Labor will be supporting the Banking Laws Amendment (Unclaimed Money) Bill 2015. This bill extends the time that bank accounts and life insurance policies can be inactive before they are transferred to the government from three years to seven years. The principle behind unclaimed money legislation is that customers do not benefit if their savings are eaten away by fees and charges when they are left sitting in a bank for years. According to the Reserve
Bank of Australia, in 2014 Australian banks collected over $1 billion in fees from household deposit accounts. We do not want to see bank profits rising simply because Australian savings are shrinking.

When Labor made this change to a three-year time period in 2012 we also determined the Australian government should pay interest on unclaimed money for the first time. Paying interest on the money held for safekeeping protects the value of those savings by ensuring they are not diminished by inflation. Right now a standard transaction account with one of the big four banks is paying 0.1 per cent interest. Thanks to Labor's decision, accounts held by ASIC are earning interest at a rate linked to the consumer price index. That means that those bank accounts are better off, even before fees and charges, as a result of being held by ASIC. We are also aware that fees and charges can significantly erode accounts. Stories of fees and charges amounting to up to $100 a year have been heard of in the past, and that is why unclaimed money legislation exists.

It is important to get the balance right, of course, between protecting the value of people's savings and ensuring that accounts are not claimed incorrectly. Treasury consulted on this issue in 2014, and a majority of the submissions supported a lengthening of the time frame for declaring accounts inactive. Some suggested it should be extended from three years to five years and some from three years to seven years. Labor is always willing to be guided by expertise and feedback from those who work most closely with Australian banking customers. It is vital that we recognise that for all the schoolyard talk of 'trousering' what we are debating here is the correct duration after which unclaimed money should be moved into ASIC. It is not about an argument that the unclaimed money legislation should be repealed entirely. The question is whether the time frame ought to be three years or seven years, and today Labor will support the decision to change that time frame from three years to seven years.

More broadly, though, Labor wants to see Australians get a fair deal with their banking. That is what motivated the changes to the unclaimed money rules in 2012. It is what has prompted the Leader of the Opposition to recently call for an inquiry into disproportionately high credit card fees. We were pleased that the Senate supported this call with a reference to the Economics Committee, which is due to report on 24 November 2015.

The gap between the two per cent official interest rate set by the Reserve Bank of Australia and the credit card interest rates of around 20 per cent is near its highest level ever. This 18 per cent point spread has doubled over the past 25 years and continues to widen. The government's top economic advisers, including Treasury secretary John Fraser, RBA deputy governor Malcolm Edey, APRA chairman Wayne Byres and ASIC deputy chair Peter Kell all have stated that this growing gap is an issue that needs to be investigated.

Research from Swinburne university shows that over the past 23 years an average of 112 per cent of cash rate rises were passed onto credit card customers but only 53 per cent of rate cuts were. As author Abbas Valadkhani puts it, credit card rates 'go up like a rocket and fall like a feather'. We not only want to make sure that Australians avoid unreasonable fees and charges at the bank, but also Labor is fighting to protect Australian people from unfair costs imposed by the Abbott government. We have opposed an unfair chippie co-payment, $100,000 degrees and a 15 per cent GST as an unfair tax on the cost of living.

Increasing the GST to 15 per cent would see the poorest Australians paying 11 per cent of their income while the richest would pay less than eight per cent. That would be at odds with
what the Prime Minister said before the election: 'The GST does not change. Full stop. End of story.' Similar comments were made by the now Prime Minister on 33 separate occasions before the election. Now, when asked to rule out increasing the GST, the Prime Minister replies, 'Well, what I'm not going to do is rule out a sensible conversation about a better tax system.'

Australians are increasingly feeling that Mr Abbott's list of promises of things that he would not do is, instead, turning into a to-do list for things that he will do: cuts to hospitals, cuts to schools, cuts to the pensions, cuts to the ABC and SBS, and increasing the GST. There is only one thing on that list that has not been done, and that is the increase to the GST. We have had an $80 billion cut in funding to schools and hospitals, a cut that was aimed at forcing states and territories to make an argument for an increase in the GST.

The Abbott government is already taxing Australians at higher levels than at any time since the big-spending Howard government, with tax receipts rising each and every year over the budget forward estimates. Labor has been deeply concerned that since the Abbott government came to office we have seen a steady trend downwards in annual growth, almost trending downwards in train with the Prime Minister's popularity ratings. Every quarter since the Abbott government's first budget was brought down we have seen a downgrade in growth. There was nearly three per cent annual growth in the March 2014 quarter. There was below two per cent annual growth in the most recent figures. Unemployment has increased from 5.7 to 6.3 per cent and is now at its highest level in 13 years. We have consumer sentiment 11 percentage points below where it was at the election and the budget deficit has doubled in the last 12 months.

We know that we need to get growth above three per cent if we are to see unemployment trending downwards rather than upwards. But while we have anaemic growth sitting at two per cent or potentially worse—given that the last quarter's figure was only positive as a result of a one-off blip in Defence procurement—we know that it is not enough growth to secure a lower unemployment rate rather than a higher unemployment rate. Before the election the then Leader of the Opposition, Mr Abbott, said:

Now, I believe that the Coalition I lead understands all of this in the marrow of its bones and that’s why I am confident that should there be a change of government later in the year, there will be an instantaneous adrenaline charge in our economy.

But that adrenaline charge has far from been delivered. Instead, we have unemployment going up, confidence going down, debt going up and the standing of the Australian government in boardrooms around the nation going down. The figures that should be rising are falling, and the figures that should be falling are rising. We had the Treasurer saying that returning the budget to surplus had 'an inescapable moral dimension'.

Before the election, we were told that the budget would be back in surplus in the first year and in every subsequent year. Earlier this year, though, Steve Austin, on ABC Brisbane, asked the Treasurer: 'What's the higher priority, delivering personal income tax cuts or returning the budget to surplus?' The member for North Sydney said: 'Well, it's both, Steve.' Steve Austin then asked: 'But which is the priority, though?' And the member for North Sydney replied: 'We've got to try and do both. They're not mutually exclusive.

What was to be a moral imperative of returning the budget to surplus has now seen net debt increasing from its levels in the low teens, when the government took office, to being
projected to peak at 18 per cent of GDP. So the deficit is up and debt is up. If they were driving debt trucks around the country when they were in opposition, they should have debt ocean liners now.

This suggestion that we can return to surplus now finds itself following the almost comical suggestions from the Treasurer and the Prime Minister that there ought to be personal income tax cuts of some $5 billion or $6 billion a year—but with no plan to fund those personal income tax cuts. Bluff and bluster does not balance the budget. We have a Treasurer who has claimed that his own electorate is the home of bulk-billing in Australia when we know that it rates 126th out of 150 electorates; a Treasurer who, while the rest of the world is moving and embracing the growth and jobs benefits of renewable energy, describes the wind turbines around Lake George as 'utterly offensive' and a 'blight on the landscape'; a Treasurer who says that the GP co-payment of $7 is just a couple of middies of beer; and a Treasurer who, before his first budget, confessed to his authorised biographer, Madonna King, that he wanted to cut harder and cut earlier.

While it is absolutely vital for treasurers to get their numbers right, we have a Treasurer who instead exaggerates the tax paid by higher income households, saying that they pay half their income in tax, whereas, in fact, the highest marginal tax rate is 49c—but only for incomes over $180,000. The suggestion that pensioners will be made better off by halving the pension by mid-century is not one that has received universal acclaim from groups like the Council on the Ageing and the Australian Council of Social Service. The idea that poor people do not drive cars suggests a Treasurer who is fantastically out of touch with the Australian people, as does the proposal that, if housing were unaffordable in Sydney, no-one would be buying it—a logic which can equally be applied to diamond-encrusted iPhone covers and any other unaffordable item that you would like to mention.

We have a government with a lack of long-term vision and perspective that has moved into the very dangerous territory of playing partisan politics when overseas. The confidence with which this government approaches the unclaimed money bill is not matched with the confidence that we see when the Treasurer is overseas in discussions with his Chinese counterparts. We know, from his comments on the ABC's AM program just yesterday morning, that he was going into those conversations trash-talking the Australian union movement and the Australian opposition. The government likes to talk about 'Team Australia', but it is hardly Team Australia to take your partisan games into an international conversation with our largest trading partner. That is dangerous politics and bad economics, and it signifies so much why the Australian people have lost confidence in this Treasurer and this government.

We need a government with a clear economic plan, with a vision for jobs and growth and with an understanding that the science, technology, engineering and maths jobs of the future need to be underpinned by investment in education—not by cuts, cuts and more cuts. Labor will be supporting this bill, but we continue, as do the Australian people, to have deep reservations about the economic agenda of this government.

**Senator WHISH-WILSON** (Tasmania) (12:46): I went away for the two-week break hoping, like a lot of Australians, that we might actually have some reform on the table during this next couple of parliamentary weeks. The Banking Laws Amendment (Unclaimed Money)
Bill 2015 is disappointing on a number of levels—and I will get to the detail around why the Greens are likely to oppose this bill.

A week ago, the Treasurer, Mr Joe Hockey, walked away from what would have been a significant but passable reform through this Senate: a bank deposit levy. A bank deposit levy was originally proposed by Labor and the Greens four years ago, following a comprehensive piece by the Reserve Bank of Australia and an international study looking at the requirement to have funds put aside for contingencies should we see a situation like we saw with the global financial crisis, when our government had to step in and guarantee both wholesale and retail deposits so that we did not have the contagion and the mass panic that we saw in other markets around the world. A bank deposit levy that made a lot of sense was broadly supported, including by some very positive statements by the Treasurer himself, and it would have had the support of the Greens. I cannot speak for Labor—who knows what Labor does on the economy from day to day—but it would have had the support of the Greens.

Senator Polley: That's not nice.

Senator WHISH-WILSON: I had to say that, Senator Polley.

It fascinates me. We had a business forum in this country organised by the Fin Review and The Australian. I must say I was very disappointed that the Greens were not invited to that business forum because it was discussing a vision for this country in tax reform and we have a lot of very good ideas that we have always been on the front foot with around tax reform in this country. One of the things that came out of that forum—it was widely reported and, a couple of days later, backed up by a statement from Roger Corbett, a well-known corporate figure in this country who went into retirement—was that the Senate is making this country ungovernable from a big business perspective. Then, of course, as he likes to do, Rupert Murdoch made some very similar comments on his Twitter account on Thursday night last week. It was the same thing: the Senate is making this country ungovernable; let's have a double dissolution election.

That bank deposit levy would have been a significant reform and it would have got through this Senate. The Greens would have supported it if it had been good legislation that targeted the big four banks to put aside, on the estimates that we had costed by the Parliamentary Budget Office, between $1.1 billion and $1.4 billion over the forward estimates into a reserve account for contingencies around potential liabilities should we see more financial crisis.

Another reform that would have got through this Senate and arguably—certainly from my personal perspective—would have been a lot more important was implementing the findings of the government's own Harper review and amending section 46 of the Competition and Consumer Act to bring in an effects test. This is what small businesses around this country want; this is what farmers around this country want. Give the government and the ACCC, which acts on behalf of the government, the powers to have create a level playing field in this country and, for example, at least test the proposition that the supermarkets duopoly has too much market power and often uses that market power to the detriment of small businesses and farmers in this country. This is significant reform and a very important piece of legislation that people, including my party, the Greens, have campaigned on for decades.

Guess what? The government walked away from it. They turned their back on small business, the sector of this economy they so often take for granted. So, while they are
whispering sweet nothings in the ear of small business on one hand over a Chinese trade deal, the government walked away from the reform that small businesses and farmers in this country really want: competition powers to take on abuses of market power—another example, Mr Murdoch, of reform that could have got through this Senate, if it had been good legislation. I wrote to the Prime Minister myself—of course, I was hoping for an answer, but I have not got one—asking him to bring us the legislation. Let's do this in this parliament. Let us—the Liberal Party and the Greens; and I know how much this means to the National Party and their constituents in the bush—work on getting a section 46 effects test through parliament. But the government walked away from it. They think they have done ‘enough’ for small business in this country.

Well, guess what? According to the lead lobby group for small business in this country the tax cuts and the instant asset write-offs are just a shadow of what they want. This was the Holy Grail for them, and there was a significant expectation that the government would deliver on this—especially following all the work and all the feedback that went into the Harper competition review. And I have to say that the final recommendation of the Harper review was a bit weaker than I wanted. Because of the consultation with the big end of town, section 46, the final version of it, was weaker than what I would like to have seen. But it was significantly better than the existing competition laws that we have got in place, where you have to improve content in anticompetitive behaviours rather than look at the effect of anticompetitive behaviour. This is a significant disappointment.

To the big end of town, big business in this country, who are claiming that the Senate is making this country ungovernable because it cannot get economic reform through the Senate, I say that there are two examples. A bank levy would have raised billions of dollars on, arguably, the most profitable financial sector in this country. They make tens of billions of dollars of profits for their shareholders each year, who have been propped up by the Australian taxpayer to the extent that this levy would erase the revenue. The taxpayer and the government stepped in to give a deposits guarantee. The government guarantee—and this was all modelled by the Reserve Bank—has allowed banks to access wholesale funding at a better rate. As Senator Canavan well knows, their price of money was lower because the risk is lower. The premium would have been higher if that guarantee had not been there. And that has been good for the banks. They borrow money in wholesale markets and then they lend it out. They do other things—they invest their money in securities and all sorts of different investments—but, essentially, that is how banks work. So the Australian taxpayer has helped the big banks make money.

Of course it has had some good effects on the financial stability of our system, as it was designed to do. This bank levy was saying, ‘Give the money back to the taxpayer.’ At least have a contingency fund put aside for future financial crises, which will always happen. I do not want to digress too much, but it is remarkable how often financial crises do happen; just outside the boundaries of our memory, these things continue to happen. So there are some reforms that we could be dealing with and I could be talking about here today. I am proud to say that my party has campaigned for years on a bank deposit levy. We have campaigned for years on helping farmers and small business get a section 46 amendment to the competition policy.
But what I am standing here today talking about is a policy proposal that has been put up by the Australian Bankers Association, the same people who have lobbied against the FoFA laws, which we fought tooth and nail in the Senate—credit to Labor where credit is due—to retain in their existing format to strengthen laws around financial advice. The Australian Bankers Association no doubt fought tooth and nail in the corridors of power, behind the scenes, and they made public statements to oppose a bank levy. They probably even gave the Prime Minister the line ‘This is a tax on your bank deposits’—which is a total myth; it was a levy on bank deposits. The Greens proposed a levy of 0.5 per cent on deposits up to $250,000. We were not sure what the final proposal from the government would be, but it would be a levy and it would have been sensible policy that would have been passed by the Senate. But when you criticise this House and say we are making this country ungovernable it is because we do not pass legislation that the big end of town wants. But this would have been legislation that certainly small businesses and some of our governance organisations would like to have seen.

What we have in front of us today, the Banking Laws Amendment (Unclaimed Money) Bill is a flaccid attempt at reform for the banking sector. In my opinion, it is wholly designed to give the banks the upper hand. I want to read a statement by the former Treasurer, Wayne Swan, and the former Parliamentary Secretary to the Treasurer, Bernie Ripoll. In a media release on 29 November 2012 they stated that ‘reducing from seven years to three years the time before money was referred to the government was a good thing because Australians who have lost track of superannuation or old bank accounts will now have their money returned faster and interest paid to preserve its real value’. This was a bill that was brought in by Labor—and good on them. It was supported by groups such as CHOICE. Let me read you CHOICE’s comment in its submission to the Senate inquiry:

The proposed amendment contains several important amendments for consumers.

this is going back to 2012 when it was reduced from seven years to three years—
With unclaimed money being transferred four years earlier to the Commonwealth, the Australian Securities and Investments Commission or the Commissioner of Taxation, the erosion of balances through fees, commission and adverse market movements is substantially reduced.

Now hands up who does not understand that especially for small amounts of money, which the majority of unclaimed deposits tend to be, bank fees are not a substantial part of your return on those unclaimed moneys. I made the mistake of leaving $500 in a Westpac account and forgetting about it. Six years later, when I realised that I had an actual physical passbook—this is about 10 years ago—I went in to withdraw the money in cash and I found that I had $126 left. I had $126 left—out of a $500 deposit!

That was the erosion. It was only a small amount of money, I will warrant, but at the time it was important to me. The erosion of that amount was through fees. There was interest on top of that, but it was actually fees and charges that ate that amount.

Why do you think the Australian Bankers’ Association want to keep these deposits for an extra four years? Well, go figure! It is because they can earn fee income on these deposits. They claim that—and I am not sure where they got the evidence from—if the government increases this to seven years before the government takes responsibility for it it will reduce the claims by half on these unclaimed money deposits. And, by the way, when it goes to the government you get a CPI return, not a return that has been heavily eroded by fees and service
It seems to me that this is about giving the Australian Bankers’ Association what they want and it is about them making more fees and income.

Whatever your arguments for or against, it is a pretty poor attempt by this government to bring legislation like this before the Senate and have us even stand here and debate it when there are so many more important things we could be talking about, like multinational tax avoidance, reform around negative gearing and superannuation tax concessions, capital gains concessions and a whole range of things that we could do for affordable housing in this country, removing perverse incentives for fossil fuels for the big mining companies or providing research and development tax breaks for high-risk mining exploration companies—giving taxpayer deductions to mining exploration companies that you go punt on down at the local share market. There are so many things that we could actually be dealing with in the Senate that you would classify as real reform.

Take superannuation tax concessions, for example. It has been ruled out, depending on who you believe. Because this government is so chaotic, it is hard to know from day to day who speaks on what. If we had some decent reform proposals on superannuation tax concessions, I have no doubt the Greens would support that. We have very clear policies in this area. It is another example of why it is a load of rubbish that this Senate is making this country ungovernable. It is just that the right policies and the reform that is necessary is not coming from a gutless government that is more interested in the politicisation of things like national security than it is in actual reform in this country. They are totally rudderless.

While we are in this period before we go to an election—whenever that is going to be, and I do not think any of us know whether or not we are going to have an early election—I say here again today to the Prime Minister and to those across the chamber that if you want to get sensible economic reform through this place we have voted with our feet. You cannot dispute our track record on things like pension changes and small business reform. We have supported good legislation that is in line with our policies, values and beliefs. We are prepared to do that on things like superannuation tax concessions, on a bank levy and on section 46 competition policy—

The ACTING DEPUTY PRESIDENT (Senator Williams): Excuse me, Senator Whish-Wilson. I just want to point out to you that when you are tapping the table it does echo through the microphone and out onto the radio. Continue, please.

Senator WHISH-WILSON: I got that from House of Cards. I only have three minutes left to go, so, rather than you having to go and have some kind of shock treatment, I would like to leave on this very important note: I throw down the challenge to Rupert Murdoch, to Roger Corbett and to the big end of town in this country that if you want the right economic reform in Australia, while this government is still around—and hopefully it will not be for much longer—bring some good economic reform that the Greens can vote on and we will get this through.

Do not waste the opportunity on section 46 competition policy. It is not a sign of weakness to admit you were wrong and to change your mind. Bring some good reform back to this Senate that helps small business and helps farmers and that helps to at least provide a level playing field. It is not a silver bullet—who knows whether it would work, and we will not know until it is tested—but at least bring back the recommendations of the Harper review so that we can actually give farmers and small business what they want in this country, not this.
kind of reform that is designed to put a few extra dollars into the pockets of the Australian Bankers’ Association and the big banks. This is a really poor attempt at legislative reform.

Senator WILLIAMS (New South Wales) (13:06): I rise to contribute to this debate on the Banking Laws Amendment (Unclaimed Money) Bill 2015. I would like to put a bit of history in here. I congratulate the Assistant Treasurer, the Hon. Josh Frydenberg, for bringing forward this legislation to right the wrong put on the Australian people by the previous government. It is important to note that since around 1911 this country has had provisions to allow the transfer of unclaimed funds to the government. That is how long it has been around. These provisions stop accounts being eroded by fees and charges. Even after they are transferred, the funds still remain the property of the rightful owner. For 100 years the rule existed that the accounts must have been inactive for at least seven years before funds could be transferred to the Commonwealth.

Let me expand on the matter of the account being inactive. If, for example, you had $500 in a bank account, when interest was paid in each month or fees and charges were taken out each month and there was no other transaction, then the account would still be inactive. You must actually put some money into the account or withdraw some money out of the account every seven years.

In 2011-12, when inactive accounts were transferred only after seven years, only $70 million in unclaimed funds were transferred to ASIC. In 2012-13, after the previous government reduced the required period of inactivity from seven years down to three years, 156,000 accounts, worth around $550 million, were transferred to ASIC—up from $70 million. In 2013-14 almost 40,000 accounts, worth around $145 million, were transferred to ASIC. In 2014-15 a further estimated $162 million was transferred to ASIC. Without change to the required period of inactivity, Treasury had assumed that an approximately equal number and value of accounts would be transferred to the government each year.

The rapid growth in the number of unclaimed accounts highlighted problems with the treatment of children's' accounts and foreign currency accounts. Accounts that had been set aside for a child to access when they turned 18 were being transferred to the government and therefore the account was not accruing interest—except that when the government did get the money you received the bond rate when you claimed it back, a very low rate of interest. Take a young couple, both of them working away. They have two young children. Let's say they get a tax return of $5,000, and they say, 'We'll put this $5,000 away in a fixed deposit account for the children's education, when they get older.' After seven years, under the previous rules, they would have had to either add some more money to it or take some money out of it. As I said, the interest accrued or the fees taken out do not mean that the account is active; it is still inactive. Wouldn't it be great! After about eight years they go to their accountant—that is how the law used to be—and their money would have gone to ASIC, and they would have to get it back.

But the previous government reduced that to three years. I know for a fact; I was handling my late mother's money then, with power of attorney. A thankyou to Westpac: my mother had a fixed account of some $8,000 or $9,000 and Westpac wrote to me and said, 'You must put some money in this account by such-and-such a date, or remove some money from the account, or the money will disappear.' Thank you, Westpac, for that notification. I went and deposited a small bit of money in my mother's account, and that kept me going for another
three years without having to worry about it. However, I should not have had to do that. It should be a seven-year period.

It is amazing. This was brought in by the previous government, and for what reason? The reason was simple: to get money into the coffers of Treasury. And of course the then Treasurer was Mr Swan, alongside his finance minister, Senator Wong, and the then assistant finance minister, one Mr Bill Shorten MP. What a crazy situation, that you have to steal the money off the Australian people after three years if the account has laid idle, to help fix the bottom line of your budget. As I said, it was about $70 million in active accounts, taken out after seven years so that the fees did not erode the account down to zero. That climbed to around $550 million. This was wrong in all principle. I remember Senator Bushby asked the question of Senator Cormann, the finance minister, a few months ago: why are we doing this? Are we doing this to take it back to the status quo, as it has been for over 100 years, since 1911, since the formation of the Commonwealth Bank? That had not been a situation whereby if you leave your account idle for three years and then if you go to it there is nothing there.

I had pensioners come to me. They had some money in a fixed deposit. They phoned my office and said: 'The money's gone. What do I do? Where did it go?' We had to tell them to go through the process. When I raised this in the joint party room some time back I said that this is wrong, that it goes against all the principles of what we in the coalition believe in, that you must rely on stealing the money—and I underline 'stealing'; that is what it is—off people in Australia to help the bottom line of your budget. Mr Russell Matheson MP made another good point while we discussed this in the party room. He said that there is an industry that has started up, an industry that will go out there and say: 'Oh, you lost your money; it's been taken. Pay me $2,000 and I'll get your money back.' People were preying on pensioners' and kids' accounts to make money out of it. That is wrong. It is against everything we believe in.

So I was very pleased to hear the announcement that this would be changed back so that when people put money in their accounts they at least have seven years. I encourage all the banks—and I am sure most of them or perhaps all of them do this—when the accounts have been idle for some time to write to their customers to inform them of the situation. Once again, I thank Westpac for doing exactly that: writing to me about the management of my mother's accounts.

The Information Commissioner raised concerns about the potential for identity theft by using currently published information. For example, some businesses are also using this information to charge fees as high as 25 per cent to reunite people with their own money. That was the industry, as I was saying, that kicked off. By removing the requirement for ASIC to publish the unclaimed money gazette and introducing secrecy provisions in this bill to restrict freedom of information requests generally to an individual's own details, this bill will better protect the privacy of those with unclaimed accounts.

The bill will generate regulatory savings of approximately $36 million a year. I will repeat that: the money this bill will save in regulatory savings will be about $36 million a year. This legislation will ensure that only funds that are truly forgotten are transferred to ASIC, not those that might be set aside for three years. And it will ensure that if an account holder alerts their financial institution to the fact that they are aware of their account in any way prior to their funds being transferred to ASIC then that transfer will no longer occur.
An article in June last year indicated that several Labor shadow ministers were privately embarrassed about the policy Mr Shorten introduced. In fact, one Labor frontbencher reportedly compared the bank-siphoning policy with the Gillard government's wrong decision to cut welfare payments for thousands of single mothers.

In 2013 National Seniors received numerous emails from members regarding the changes to the time frame after which accounts are deemed to be inactive. Grave concerns for the vulnerable elderly residents in aged-care facilities and for those with neurological degenerative diseases were expressed.

In a submission to a consultation paper—and you will be very interested in this, Mr Acting Deputy President Whish-Wilson—the Australian Bankers' Association said: … the current period of inactivity, being three years, is inappropriate and has caused substantial disruption for banks and their customers.

I repeat: 'banks and their customers'. They go on to say: In our experience, the ABA believes that a period of inactivity of seven years is appropriate and better meets customer expectations and reduces costs and inefficiencies for the banking industry and ASIC. Many accounts tend to no longer be inactive after seven years, and therefore, this is better aligned with the way customers tend to operate their accounts.

The ABA said that: According to industry estimates, when the regime reduced the period of inactivity from seven to three years, complaints increased by 300%.

Complaints each year increased by 300 per cent. They said: The impact of the change was felt across the customer base, including individual, business and institutional banking customers.

The ABA told the Financial System Inquiry that reverting to seven years would halve the number of claims. The inquiry recommended that the government should act to ensure bank accounts and life insurance policies are deemed unclaimed after seven years of inactivity and that these moneys be held in a separate trust account.

In summary, I totally support this bill and I am glad those opposite do as well. I am disappointed that the previous speaker from the Greens seemed to be saying that the Greens will not support it. I do not support governments stealing money off Australian people, and that is exactly what was happening after three years under the previous government. If you left your account idle, three years later it had disappeared. It was gone. So what do you do? What do elderly pensioners do, especially the ones who are in aged-care facilities who perhaps are relying on family members to monitor their accounts like my mother was with me? Do you go in search of it? Where do they start to search? What are they going to get back? It is a very low bond rate.

As Senator Cormann, in response to a question from Senator Bushby, asked: who was at the scene of the crime when this stealing started? The finance minister, Senator Wong, the Treasurer, Mr Wayne Swan, and the current opposition leader, Mr Bill Shorten. They were the trio seen running from the scene of the crime. This is wrong on all levels. Each and every Australian should believe that a government has no right to steal their money after three years. We should put it back to what the status quo was since 1911—that is, seven years—and give people more time.
As I said, I commend those institutions that notify, ring, write or email those customers to warn them by saying, 'Hey, your term is now getting close to the expiry date on an inactive account, which will mean that your money will be taken away.' Then the hunt starts to get it back. As I said, the businesses kicked off, saying, 'She'll be right, mate! Give me $2,000. I will get your money back.' It is an easy $2,000 for a bit of paperwork. But instead of giving the $5,000 back to the customer they only give $3,000. The smart businessman or businesswoman has taken $2,000 out of it. An industry kicked off to go out and siphon money off those people who had their money stolen in that period.

I commend this legislation. I again thank those opposite for supporting it. At the end of this year it is going to be back to how it was for more than 100 years prior to the ridiculous changes that the previous government made in an effort to try and bring their budget bottom line somewhere towards a surplus, which is something we have never ever seen. That has been the case all my life whenever the Labor Party is in government. We have seen the history of their financial management.

I welcome this bill. I welcome this legislation. I commend my colleagues, especially Assistant Treasurer Frydenberg, with the support of Senator Cormann and Treasurer Joe Hockey, for the work that they have done on this. I look forward to the passing of this bill and to getting things back to how they were for more than 100 years.

Senator SESELJA (Australian Capital Territory) (13:19): It is great to follow my friend and colleague Senator Williams in speaking to this very important piece of legislation. Let us be crystal clear: this legislation is about a fundamental difference between the coalition and those opposite—the Labor Party and the Greens—based on what was expressed earlier today in the debate. The fundamental difference is that we believe that people's hard-earned money is their money. We believe that you should not be raiding people's bank accounts. You should not be raiding their super accounts. You should be leaving people with as much control of their own money as is possible, keeping the tax burden as low as possible and certainly not looking for new and inventive ways to raid people's savings.

That is what the Labor Party did when they were in office. That is what they plan to do should they come back into office. It is great that they are supporting this repeal. It is unfortunate that we need it, isn't it? We would not need it if the Labor Party had not raided people's cash. They have already signalled that should they come back into office they will be raiding people's superannuation accounts. We take a very different approach. We want to leave people with as much of their own money as possible. That is how we approach all legislation and all policy—we start with the principle that it is taxpayers' money and that, when we take it in taxes, we need to use it wisely. We should keep that tax burden as low as possible and we certainly should not be raiding people's accounts. In that vein, it is great to be supporting the Banking Laws Amendment (Unclaimed Money) Bill 2015. This is another bill from this government that is about the fact that we believe people should be able to enjoy the fruits of their labour and keep their savings. We have already done much in this space. We scrapped the carbon tax. That allows people to have more of their own money in their pockets. We scrapped the mining tax, which allows more jobs in the mining industry so that workers can have more of their own money in their pockets and can choose how to look after their own families. We have delivered the biggest tax cut ever to small business, which means that the hardworking men and women who run small businesses in this
country can have more of their own money, can choose how they will spend it and can look to employ more people so that those employees can have money in their pockets, contribute to their families and contribute to our economy.

In total, we have reduced the overall tax burden on Australians by nearly $7 billion since coming to office. That is $7 billion staying in the pockets of hardworking Australians. That is something we are very proud of. We are continuing to look at how we can lower the tax burden on ordinary Australians. We note there are all sorts of issues with the tax system and, of course, through various processes we are looking at how we can further reform our taxation system to make it fairer and more reasonable, and particularly for low- and middle-income families who are doing it tough we want to make sure that they can keep as much of their money as possible.

Also, I was glad to see in this vein, just last week, the Prime Minister and the Treasurer announcing that we are getting rid of Labor's bank deposit tax. That is just another raid on people's savings. This decision is not only fulfilment of our election promise to protect the savings of Australians but, also, it comes after the recommendation of the financial systems inquiry and extensive consultations with stakeholders and the community. Labor's bank deposit tax would have imposed costs of $1 billion on Australians with bank savings. It would have damaged competition in the banking sector by putting regional and community banks at a disadvantage relative to the big four banks, further disadvantaging hardworking Australians.

Dumping Labor's tax also addresses another legacy of Labor's shoddy economic management. Labor announced this tax just before the last election and then put it in the books so their bottom line looked better, but they never legislated the change. This is typical of the hypocrisy of Labor in government. All through the last chaotic days of the Rudd-Gillard-Rudd government they made announcements about spending, put them in the books so that things would look better and never legislated the changes, because they knew they would never have to deliver. We saw it in their promises on health and education, which they knew they never had the money for. Mark my words on this: if they ever do come back into government, they will not be putting back the money that they claimed was there. I can assure you, they will not be putting that money back, because it was never there. As I said, we are about protecting people. We are about putting money back in people's pockets, not raiding their savings.

This bill amends the unclaimed moneys provisions which exist to protect Australia's forgotten savings and life insurance policies from being eroded by fees and charges over time. This bill will ensure that, after an account has been inactive for seven years, the funds in that account will be transferred to the government where they will grow at the consumer price index, tax-free. No matter what, these funds continue to belong to their rightful owner and can be reclaimed at any time through contact with either ASIC or their financial institution. There is no fee charged for this service. As you mentioned in your contribution, Acting Deputy President Williams, we have had provisions like this since 1911. That is, of course, until the former Labor government came to office and decided that the provision which had been there for a century was no longer good enough. They did not want to transfer inactive accounts after seven years; they wanted to raid bank accounts after three years. They did that in late 2012, but they did not legislate it. This resulted in some half a billion dollars from thousands of accounts—many of which belonged to people who knew they existed and were simply
long-term savings—being transferred to the Commonwealth. Many Australians were left in financial distress. By returning to the original benchmark of seven years of inactivity, we expect to see a reduction in the number of accounts transferred by about 50 per cent and it will reduce the red tape burden on the community by around $36 million per year. That is another example of how we are respecting Australians' money and, of course, cutting red tape.

We want to do that in all sorts of ways. We are doing it for small business. This is another way that we cut red tape and cut some of the cost burdens in the economy. The change to the time of inactivity will take effect from 31 December this year, which means that no funds should be assessed as unclaimed until at least 2019 and no unclaimed funds should transfer to the government until 2020.

As I said, we on this side are about protecting the savings of Australians. We know that one important type of saving comes from parents to set aside accounts for their children. Many parents do it this way with a view to making those savings grow and being made available for their children when, for example, they turn 18 or perhaps at some other important milestone. When parents do this for their children and contribute to their family's future we should be protecting them, not raiding their savings. Funds from children's accounts are exempt from this bill. They will never be transferred to the government. Similarly, accounts in a foreign currency are also exempt from this provision. This is because these accounts are often used in relation to complex business transactions. Not only does transferring these accounts to the government potentially disrupt these legitimate business processes; it also exposes the account holder to costs, as the moneys must be converted back to Australian dollars at the prevailing exchange rate. The government is committed to reducing this sort of unnecessary red tape, so these accounts are also exempt.

At present, the Australian Securities and Investment Commission publishes an online Unclaimed monies gazette which details personal information relating to unclaimed accounts. This information includes a person's name, last known address and the amount of money unclaimed. There were serious concerns raised by the Information Commissioner about the potential for identity theft from the publishing of this information. Some unscrupulous businesses, as has been touched on, have also been using this information to prey on these people with unclaimed money by charging high fees—as much as 25 per cent—to reunite people with their own money. With this in mind, the bill will also remove the requirement for this gazette to be published. We will also restrict FOI requests generally to an individual's own details. The ASIC MoneySmart website will continue to operate and people who may have unclaimed money can go there to find out their own situation. So there will still be plenty of opportunity for people to find their unclaimed money, even without this gazette. Cancelling the Unclaimed monies gazette in conjunction with stricter controls on accessing account holders' personal information through FOI requests, will help to protect Australians with unclaimed accounts from exploitation.

As I have already mentioned, this bill is about protecting the savings of Australians, so we are also making it easier for people to make sure that their accounts stay active and away from the government. If you signal to your bank in some way that you are aware of your account before it is transferred to the government, the pending transfer will be cancelled and your savings will remain in your account. That notification can be as simple as checking your balance online or making a phone call to your bank. We are setting that bar very low because
we understand that this is other people's money and we need to respect it as such. This will be the case even if your account had been declared unclaimed, because we believe your savings are, first and foremost, yours, and the burden should be on the government to transfer money, not on the individual. This is part of our commitment to reducing red tape and keeping your money in your pocket. As I have said, this reform will save $36 million a year.

Thousands of Australians will no longer need to locate their missing funds and apply to their bank or life insurance provider for their return—all thanks to this bill. Similarly, banks and life insurers will no longer need to unnecessarily transfer millions of dollars of Australians' savings to the government and then process thousands of requests for this money to be returned—often in the same year that those funds were transferred in the first place.

As is normal practice on this side of the chamber, we have looked through this issue carefully and methodically and have consulted widely. This is what good government does. Unlike those opposite, we do not just decide it is more important for our bottom line to look good than it is for Australians to keep their savings. We know the most important thing is to do the right thing by Australians and their own money—that is good government and good economic management—so we have consulted with the community on this issue.

On 26 May 2014 the government released a discussion paper, 'Options for improving the unclaimed bank account and life insurance money provisions'. Consultation on this paper closed on 11 July 2014 and the government received 17 submissions. These informed the government's changes to the unclaimed money arrangements. A year later, on 28 May 2015, the government released an exposure draft of the Banking Laws Amendment (Unclaimed Money) Bill 2015 and the Banking Amendment (Unclaimed Money) Regulation 2015 and explanatory materials. Consultation closed on 26 June 2015 and the government received five submissions. These submissions have informed the final bill that has been presented to the parliament. So this has been a long, thorough process, and it is now important the Senate does the right thing and passes this bill so that thousands of Australians can have the security of knowing their savings are protected.

This of course builds on our record of lowering taxes and growing the economy. We are lowering taxes, boosting productivity, encouraging investment and creating jobs. All of these small steps, as they may be, contribute to saying to Australians: 'We respect your money. We believe your money should not be raided, be it your money in your bank account or your money in your superannuation account.' We respect those who have done the right thing, who have worked hard, who have saved their pennies and who believe that that money should belong to them. We agree with those Australians who believe that they should have access to their own money. Of course, it is part of our broader plan about people keeping their own money not just in their bank accounts and in their superannuation accounts but through lower taxes.

I have already outlined some of the taxes that we have gotten rid of or reduced. We have gotten rid of the bank deposits tax, the carbon tax and the mining tax, and we are lowering taxes for small business and putting in place tax write-offs for small business. This all means more money in the pockets of Australians. There is a fundamental difference between us and those opposite. Even though the Labor Party has indicated their support for this bill today, which is welcome, we would not be here if Labor did not have the view that, when they get into trouble, when they overspend, when they blow out the deficit and create a debt and
deficit legacy for Australians, they always look to raid Australians' money in various ways. They jack up taxes and they look to raid superannuation accounts and bank accounts. Here is a clear difference in approach. I commend what I think is an important bill to the Senate.

**Senator IAN MACDONALD** (Queensland) (13:33): Explained simply, the Banking Laws Amendment (Unclaimed Money) Bill 2015 is all about stopping the Labor Party and their Greens allies from stealing people's money. That is a simple explanation of what this bill is all about. The previous Labor government, supported by the Greens political party, always in need of a bit of money, thought, 'Here's an easy way to get it—we'll steal the money from depositors who have not dealt with their accounts for a period of three years.' The previous law, the law that had been in place since 1911, was that after a seven-year period the money went to a government agency, for very good reasons. But the Labor Party, supported by the Greens political party, thought, 'Here's a way we can get a bit more money.' Of course, they always needed money.

Mr Acting Deputy President, you and those who are listening to this broadcast might remember that, when Labor took government under Mr Rudd in 2007, the Howard government had put some $60 billion in credit—put it away in the piggy bank, so to speak—to save for a rainy day and to fund important assets or actions of governments in the years ahead. So the Labor government took over in 2007 with $60 billion in credit. What happened? Within a few short years under Labor Party administration, supported I might say—more than supported, egged on—by the Greens political party, that $60 billion in credit went into a debt that, if it had not been addressed, would have approached something like $700 billion. I will repeat that: from $60 billion in credit to $700 billion in debt. That is the legacy of the Labor government.

Where did they get this money from? They borrowed it, very often, from overseas. When you borrow money, as all of us who run a household budget know, you have to pay it back sometime, and in the meantime you have to pay interest. We were in the crazy situation where, thanks to the Labor-Greens debt approaching $700 billion, we were paying something like $1 million a day in interest. Imagine how many roads, how many hospitals and how many schools could have been built with the money the Labor Party and the Greens political party wasted on interest through their intemperance in financial management.

So that bill was another of the Labor Party's schemes to take money from Australians, after a three-year period of inactivity on their accounts. It was opposed at the time by the then opposition, the current government, but of course it was supported by the Labor Party and their Greens political party mates. I am pleased to see that the Labor Party have at last realised the error of their ways and are, from speeches that have been made so far in this chamber, supporting this bill.

This bill simply puts the time limit that accounts remain un-dealt-with and unclaimed by the government back to the seven-year limit that it has been since 1911. In making this major change, the government has also introduced some other amendments that will make it easier and better for Australians to look after their money. For example, children's accounts will be exempted from these provisions of being claimed after seven years of inactivity, and the reason for that is obvious.

Cleverly, the government has also provided, in this bill, that if a depositor signals to the bank in some way that they are aware of the account before it is transferred after the seven-
year period then the account will remain in the control of the depositor. So the signal you can
give to the bank is if you ring up or if you check the balance of the account online every now
and again; that will show to the bank that the account has not been forgotten about, that it is
available and that the account will therefore remain in the control of the depositor.

Under the scheme that has applied since 1911—and even under the Labor Party's three-
year scheme—someone whose account was taken from the bank and put in a government
agency could get it back, eventually, if they had the wherewithal and knew how to do it, and
if they remembered it. They could apply to get it back. But that involved red tape, and many
people, particularly older people in the community, perhaps would find the effort of trying to
reclaim their money from a government agency too difficult. That is why we opposed, at the
time, the three-year proposal by the Labor-Greens coalition, and that is why this bill corrects
this anomaly and effectively gives Australians' money back to them. It prevents future Labor-
Greens governments—should there, heaven forbid, ever be any—from again trying to steal
the funds of Australian depositors.

We do have a good banking system in this country. Indeed, it is a system which, at times,
has been supported by the government—and that means, of course, supported by the
taxpayers, because, as I always say, governments do not have any money; they just use
taxpayers' money. Over the years, at various times, the taxpayers have supported the banks,
and that is why I always think that the banks owe a duty to Australian taxpayers to run their
operations properly and fairly. Occasionally you hear of situations where banks do not.

I hope I am not verballing the National Australia Bank, but I thought I heard a report
recently that the National Australia Bank had indicated that it was going to stop funding any
fossil fuel investments within Australia. For 'fossil fuel investments' read 'coalmines', and
where I come from, in North Queensland, coalmines are very important. They are big
contributors to the economy, and they create lots and lots of jobs—jobs for mine workers;
jobs for all the mine support staff and jobs for those working in the small businesses that
support mines. These are the sorts of jobs that you would think the Australian Labor Party,
which claims to be the party of workers, would support. But do they? Of course they do not!

I could understand why the Labor Party is not terribly concerned about workers' rights,
because, as I often point out, the Labor Party consists of union hacks and people who have
worked in the unions; the majority of their members in this chamber come here from the
unions and with not much other experience, I might say. So the unions control the people who
come in here, and the people who come in here look after the unions. You might say: 'If the
unions looked after the workers and if the Labor Party looked after the workers, that might be
okay.' But let us have a look at the figures. Of all workers in the private sector, how many
joined a union? Who do the unions speak for? I can tell you, because the Australian Bureau of
Statistics told me, that only 12 per cent of workers in the private sector choose to join a union.
That means that 88 per cent of workers in the private sector make a deliberate decision not to
join the unions. And when you see what is coming out from the royal commission into unions,
you can understand why workers do not want to join a union. For that reason, the unions will
eventually fade into insignificance. So it is a matter of life and death for the unions, and for all
of those opposite me who the unions support, to try and maintain their relevance to Australian
society by getting the Australian Labor Party into government. But I emphasise that, in doing
this, the unions, which control the Labor Party, and the Labor Party, which answers to the
unions, do not answer to the workers; they answer to 12 per cent of the workforce in the private sector. And across Australia they represent only 17 per cent of all workers in all sectors—17 per cent—which means that 83 per cent of all workers in Australia choose not to join a union. Seventeen per cent of Australian workers choose to join the unions, yet it is the union movement that controls the ones who would hope to be the alternative government of this nation. It is an important point to continue making.

But I have diverted. I was talking about the National Australia Bank. As I say, if I am verbalting them, I will apologise later. I read or heard somewhere that they were going to stop investment in coalmines. That concerns me because I understand how important coalmining is to Australia, to my state of Queensland and to the area where I live and that I represent in this chamber. I am particularly disturbed if that is true, because years ago my father used to work for the National Australia Bank and I have always had a soft spot for the National Australia Bank. In all of my own personal banking since I first had a bank account—and that is many more years ago than I want to confess to here—I have always dealt with the National Australia Bank. Indeed, when I was a solicitor and had rather a big trust account, it was with the National Australia Bank too, and the National Australia Bank were very grateful for that.

I would be distressed if a major Australian bank had made a policy decision not to fund fossil fuels. That, to me, would be a bank simply trying to get a warm, fuzzy feeling and succumbing to the propaganda of the Greens political party—the party that says Australia, which emits less than 1.2 per cent of the world's carbon emissions, is the reason for all the climate change in the world. That is what the Greens political party would have you believe. I say to anyone who might be listening to this to think about this: Australia emits less than 1.2 per cent of all the world's emissions.

**Senator McKim:** Don't believe a word. That's a load of rubbish!

**Senator IAN MACDONALD:** Is that not correct, Senator? Is that not correct? You get up and show me what the true figures are.

**Senator Whish-Wilson:** I raise a point of order, Mr Acting Deputy President. The senator needs to direct his comments through the chair, not across the chamber. It is disorderly.

**The ACTING DEPUTY PRESIDENT (Senator Williams):** That is a very good point, Senator Whish-Wilson. He could also perhaps present his speech without interjections as well. That might be a good idea, don't you think? Senator Macdonald, you have the call.

**Senator IAN MACDONALD:** Thank you, Mr Acting Deputy President. I appreciate your protection from that vicious attack from the Greens political party by way of interjection. They are trying to put me off my thoughts because they do not like me telling the people of Australia who are hearing this on broadcast that Australia emits less than 1.2 per cent of the world's emissions of carbon. Do not worry about five per cent, 10 per cent, 20 per cent, 30 per cent or even 50 per cent of Australia's emissions being reduced—forget that. Let's surmise that we shut down 100 per cent of Australia's emissions. That means that you would stop Australia. You would not have any lights on now. Even if you did that, what impact would that have on the changing climate of the world?

I have often said that I am one of those who believe that the climate is changing because I have read about the time when Australia was covered in ice and when the centre of Australia was a rainforest, so clearly the climate has been changing over many, many years. Are man's
emissions of carbon contributing to it? I have heard eminent scientists say yes and similarly qualified scientists say no. I am not in a position to judge that. But what I can judge—and you do not have to be very bright to do this, and many would say that is appropriate for the Greens—that 20 per cent of 1.2 per cent is an infinitesimal number and will make absolutely no difference to the changing climate or to the environment of the world whatsoever.

Yet the Greens political party, with their Labor mates, would somehow have you believe that because Australia is only reducing its emissions by five per cent that we are the bad guys. I would like to make the analogy—not a very sensitive one, I might say—that it is much the same with the Syrian refugee situation. If everybody else in the world plays their part then so should Australia. If we are going to reduce emissions we should do so commensurately with every other country in the world. When the countries of the world that are the big emitters get down to the emissions size of Australia, then Australia should be in step with them. But this idea of the Greens political party and the Labor Party that somehow Australia, by cutting its emissions by 20 or 30 per cent, will save the world is just so ludicrous and ridiculous that I find it impossible to believe that supposedly intelligent people can fall for that lie.

I repeat again and again: Australia emits less than 1.2 per cent of the world's emissions of carbon. I will say it again: Australia emits less than 1.2 per cent of the world's emissions of carbon. That is the sort of thing that most Australians understand, and that is why they got rid of the Labor Party and their Greens allies at the last election. They realised that the Labor-Greens carbon tax was destroying Australian industry, particularly the manufacturing industry. It was destroying Australian jobs and, in fact, exporting Australian jobs overseas. What did the so-called workers' party do about it? They exacerbated the export of those jobs overseas. That is why I always want to continue reminding Australians that the Labor Party do not stand for workers—they stand for the unions, and the unions only represent 12 per cent of Australian workers in the private sector. They are not my figures; they are the figures of the Australian Bureau of Statistics.

I hope I am wrong about the National Bank and, if I am, I will come in here and apologise to them. If the National Bank wants to invest in Queensland, it should be investing in coal mines. There is another biofuels fibre-to-plastics proposal up in Ingham, near where I live in North Queensland, that the National Bank could well invest in. I would hope that if it is the bank that it used to be—and that I hope it still is—it will be investing in those sorts of new technologies but at the same time it will be investing in the tried and proven technologies that provide us the light and the comforts we all enjoy and that provide for poorer people around the world to enjoy some of the advantages of life which Australians take for granted. Let's continue to operate our mines but I hope the banks are not part of this fraud by the Australian Greens political party that cause them to change their investment policies because of the false propaganda of the Greens political party.

That has taken me just a little bit away from the Banking Laws Amendment (Unclaimed Money) Bill. Suffice it to say, I support this bill wholeheartedly and I repeat that it is simply explained as the bill that will stop the Labor-Green governments of the future—heaven forbid that should ever be any—from stealing people's money again, as they did during the time of the Rudd-Gillard-Rudd government.

Senator CANAVAN (Queensland) (13:53): I was trying to figure out what had happened. I had to go and get my hair cut and so I missed some of the intervening debate. When I left,
we were talking about banking laws and, when I came back, Senator Macdonald was making a fine contribution on other matters. But I am glad that we are still on the same topic. I do not share the rhetorical gymnastic skills of Senator Macdonald to tie those issues into this bill, but, since he has already done so, I will use it as an opportunity to back the points that Senator Macdonald was making. Put very simply, we cannot change the temperature of the globe from a room in Canberra—we cannot do that. We might love to be able to do that and we may want to be able to do that, but we cannot. I am very proud to be part of a party with a strong history and record of practical and pragmatic action for people in this country, and we cannot practically change the temperature of the globe from Canberra. It has to be something we do globally, and I would be very opposed to any move that puts at risk one job or one Australian family’s ability to provide for themselves—a move based on some ideological, passionate debate that seeks to do something that we cannot do. I am on a unity ticket with Paul Howes on that: if it is to cost one job, we should not do it. On our own we cannot do anything to change the temperature of the globe.

That somehow brings me back to the Banking Laws Amendment (Unclaimed Money) Bill. I am happy to share Senator Macdonald's support for this particular piece of legislation. We should at all times try to provide consistent laws for the Australian people so that they can plan their futures and understand the laws of the land and comply with them. We should avoid haphazardly changing what has been in place for decades and, in this case, for more than a century—for almost the entirety of our federation. For almost the entirety of this parliament, people could be assured that, if their money was in the bank and they had not touched it, it would not be taken off them for at least seven years. There was a seven-year period in place to ensure that people who were using an account in that period did not have that money taken from them. For reasons I will go into later, in 2012 the then Labor government decided that they needed more cash and so they raided people's bank accounts. It was the wrong thing to do; they made a futile attempt to hit an unachievable budget surplus target and so they raided the bank accounts of Australian people. There is hardly a lower act of that former government, even though they did lots of low acts—

Senator Kim Carr: It was in your budget twice!

The ACTING DEPUTY PRESIDENT (Senator Williams): Order! Order on my left.

Senator CANAVAN: to try to meet a futile promise to the Australian people to balance the budget by raiding their bank accounts. That is exactly what they did.

Senator Kim Carr: It was in your budget twice!

The DEPUTY PRESIDENT: Senator Carr!

Senator CANAVAN: The only reason they did it was to bring some more money into the forward estimates so that somehow their budget looked better. They wanted to do that on the backs of hardworking Australians who save their money. I am very happy that this government rejects that approach. We will be returning to the historic precedent of 101 years of not touching people's bank accounts for seven years. If people have used that account within that seven-year period in some shape or form, they can be assured, after this bill goes through, that it will remain their money.

My colleague, Senator Williams, made a good point earlier: when that raid occurred on people's money some years ago, a few people were caught red-handed in the act. Senator
Wong was there as finance minister; Senator Conroy was part of cabinet; I am not sure whether Senator Carr was in cabinet—he was in and out a few times—

Senator Kim Carr: Come on!

Senator CANAVAN: Were you there, Senator Carr? Perhaps you can enlighten me.

Senator Kim Carr: Come on! I was only in Siberia for a while.

Senator CANAVAN: There were various criminals over there who were caught red-handed raiding people's bank accounts. I will give them this: when they were caught in the act of raiding people's money, they owned up to it. Congratulations to the Labor Party—they have done that now. I am thankful that they have owned up to the fact that they conducted this raid and they will now be making efforts to compensate people by returning the law to where it was. Thankfully, they have finally seen the light in that regard, and we can count of their support and the support of other sensible political parties in this chamber to make sure we return the savings of hardworking Australians to their control.

We need to pass this bill very quickly because we want it to take effect before the end of this year so that any uncertainty can be removed. It is a great credit to the government that it has brought this bill forward. This bill also provides a number of protections to improve its implementation and application. We will be exempting children's accounts; if someone has put money into their child's account and that money is not touched for seven years, it will not disappear—

Senator Kim Carr: It's because you have no other legislation!

The PRESIDENT: On my left.

Senator CANAVAN: There has been some benefit from the Labor Party's act of theft some years ago. We have made this legislation better and I am glad—

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Royal Commission into Trade Union Governance and Corruption

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:00): My question is to Senator Abetz, the Minister representing the Prime Minister. Can the minister confirm that the star witness of the coalition's Royal Commission into Trade Union Governance and Corruption, Ms Kathy Jackson, was coached by the commission's legal team ahead of her appearance? Can he confirm Ms Jackson was told that the hearing would give her a chance to respond to media claims and that it was not necessary for her to complete a witness statement before her appearance?

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): The Labor Party's ongoing campaign against a royal commission and—

Senator Kim Carr: Truth!

Senator ABETZ: Senator Carr interjects and says, 'Truth'—and it is correct that they are running an ongoing campaign to discredit a royal commission which has exposed corruption day after day within certain elements of the trade union movement. I would have thought any
trade unionists worthy of their calling as a trade union official representing the workers of Australia would want to see a clean trade union movement.

What puts the lie to Senator Conroy's assertion is Ms Jackson's response after her day in the witness box. You know what? She felt 'ambushed' by the royal commission. Here is a classic example of the Australian Labor Party not being able to get their story right. Ms Jackson says that she was 'ambushed' and that that is why she was not as good a witness as she otherwise might have been—I do not know what her rationale was. Yet here we have the Australian Labor Party asserting that she was coached every single step of the way. Get your story straight.

One thing we know about this royal commission is that the Labor senators that want to defend trade union corruption cannot get their story straight—never can, never will, never have. What we want to ensure is that the worthy cause of trade unionism— (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. I draw it to the chamber's attention that the minister made no attempt to answer the question; perhaps he may attempt to answer this one. Why did Ms Jackson receive advance personal coaching regarding questions she would be answering at the royal commission? Is it because she is regarded by the Prime Minister as 'heroic' and by this minister as 'courageous'? Did the commission take advantage of Michael's Lawler's offer to discard or cut out parts of Ms Jackson's witness statements?

Government senators interjecting—
Opposition senators interjecting—

The PRESIDENT: Order on both sides.

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, you have asked your question; let's have an answer.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:03): I can understand Senator Conroy's sensitivity, given that some of his factional warriors have been exposed in not the best of light by the royal commission and the evidence that has been coming out. To assert that Ms Jackson received special coaching—well, what fantastic special coaching it was; when she says afterwards, 'I was ambushed'—really, there is no credibility in Senator Conroy in any way, shape or form.

The documents show that procedural fairness was accorded, as it was to other people that have appeared before the royal commission. But I think the proof is in Ms Jackson's own statements that she felt 'ambushed'—in other words, no favours done. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:04): Mr President, I ask a further supplementary question. I draw to the chamber's attention that the minister refused to answer the question. Why did Ms Jackson receive advance personal coaching? Isn't the royal commission's preferential treatment of Mr Abbott's heroic witness just further evidence this commission is irredeemably biased?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:05): Can I say to the honourable senator that not even the ACTU submission or indeed the CFMEU submission
before Mr Heydon suggested bias. They specifically rejected bias; all they argued was 'apprehended bias'. For Senator Conroy to come into this place and seek to mislead is yet again indicative that there is no length the Labor Party will not go to try to protect the corrupt trade union elements. For the benefit of all honourable senators I point out that, in his submissions on allegations against Kathy Jackson, counsel assisting concluded that the matters:

… raise serious governance issues at the Victoria No 3 Branch, during the period Ms Jackson was Secretary.

It is difficult to imagine a more inappropriate series— (Time expired)

Senator Conroy: Heydon protected the crook.

Senator Edwards interjecting—

The PRESIDENT: Senator Conroy and Senator Edwards. Order!

Senator Ian Macdonald interjecting—

The PRESIDENT: Senator Macdonald.

Senator Conroy: You've got a crook—

The PRESIDENT: Senator Conroy! Order!

Senator Cameron interjecting—

The PRESIDENT: And Senator Cameron. Senator Back, your question.

Trade with China

Senator BACK (Western Australia) (14:07): Mine is a serious question. It is to the Leader of the Government in the Senate, the Minister for Employment, Senator Abetz. Can the minister inform the Senate how the China-Australia Free Trade Agreement will create more job opportunities here in Australia for Australians?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:07): In the six years under Labor, with Mr Shorten as employment minister, the unemployment rate in this country increased by around two per cent and was projected to increase even further. Employment growth in 2013, Labor's last year in office, was just 52,000—and, might I add, the number of foreign workers coming into Australia was at an all-time high. It is from that starting point that this government over the last two years has focused on creating more job opportunities for Australians, and as employment minister I am delighted that there are today 335,000 more Australians in work than when we came to office. But there is more to be done, and a key pillar of our job creation strategy is the new free trade agreements with Japan, Korea and China. These agreements will create 9,000 jobs a year and, overall, 178,000 jobs by the time the agreements come into full force.

Every single leader in government in Australia supports this free trade agreement, including the Labor Premier of Victoria, the Labor Premier of Queensland, the Labor Chief Minister of the ACT and the Labor Premier of South Australia. Every office-bearer that is actually in office, whether a premier or chief minister in Australia, irrespective of their political colour, supports this China free trade agreement because they know it is unequivocally good for Australia and for Australian jobs. (Time expired)
Senator BACK (Western Australia) (14:09): I ask a supplementary question. Can the minister inform the Senate of the support for the China-Australia Free Trade Agreement from across the political divide?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:10): There is widespread support for this historic agreement from a long list of Labor luminaries, and it would be fair to say that some of the Labor figures I just mentioned in my previous answer might not necessarily fit into that category of luminaries! But allow me to go through a few former ACTU presidents, Bob Hawke for one; he was ACTU president for 11 years; Simon Crean, ACTU President for five years; Martin Ferguson, ACTU President for six years—21 years of ACTU presidencies support the China free trade agreement. Mr Hawke says: The party must not go backwards on this issue …
Mr Crean says:
… we diminish our opportunities for jobs …
Mr Ferguson says:
It's almost as if the CFMEU … wants to hold the rest of the nation—
(Time expired)

Senator BACK (Western Australia) (14:11): I ask a further supplementary question. Can the minister inform the Senate what barriers there might be in this Asian century to the implementation of this job-creating trade agreement?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:11): The barriers are those people that Senator Back and I look at every day in this chamber—namely, the Australian Labor Party. Mr Shorten is trying to have a bob each way in relation to the China free trade agreement, but the problem is the two bobs are actually on our side: Bob Hawke and Bob Carr! They do not have a 'bob' on their side whatsoever.

The Labor Party and others know—and yes, the Labor Party finally understand—that there is no Labor luminary that actually supports the short-sighted, xenophobic and dishonest campaign being run by the Australian Labor Party for and on behalf of the CFMEU. The CFMEU's motivation is to scare the Australian people to achieve a change of government so that the royal commission and its potential findings— (Time expired)

Royal Commission on Trade Union Governance and Corruption

Senator CAMERON (New South Wales) (14:12): My question is to the Attorney-General, Senator Brandis. I refer to the personal coaching received by Ms Jackson from the royal commission's legal team. I also refer to rule 24 of the Law Council's Australian solicitors' conduct rules which states that solicitors must not 'coach a witness by advising what answers the witness should give to questions which might be asked'. How is providing Ms Jackson with advice on the content of a question or brief at an upcoming hearing consistent with this rule?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:13): Senator Cameron, I assume your question is based on the report in The Australian newspaper this
morning and the documents referred to in that report. Senator Cameron, nothing in that report and nothing in those documents supports the assertion that you and Senator Conroy in your invincible ignorance have made that there was coaching. There was no coaching whatsoever. What you fail to understand, Senator Cameron, is that Ms Jackson approached the royal commission with information, and in the ordinary course of events, as is the case with every witness who approaches a royal commission with information, that witness is interviewed. That is utterly orthodox and entirely appropriate—for a witness who approaches a royal commission with information to be interviewed. Furthermore, Senator Cameron, it is absolutely appropriate and absolutely—

The PRESIDENT: Pause the clock.

Senator Cameron: Mr President, on a point of order on relevance: I was asking about coaching. Coaching is what happened, and the minister should go to the question of coaching and how it applies to rule 24 of the Law Council's conduct rules.

The PRESIDENT: Thank you, Senator Cameron. The minister has been directly relevant to the question. Minister.

Senator BRANDIS: Senator Cameron, as I pointed out to you, there was no coaching whatsoever. Nothing in either the press report or the documents supports that proposition. Senator Cameron—

Senator Wong interjecting—

Senator BRANDIS: Senator Wong, I know you were a CFMEU official. I know you have got a lot in it to defend here, but let me turn to your colleague Senator Cameron.

The PRESIDENT: Pause the clock.

Senator Abetz: Mr President, I rise on a point of order. Could you please protect me from industrial deafness.

Opposition senators interjecting—

The PRESIDENT: Before we continue: the noise level is unacceptable; it is completely unacceptable.

Senator Conroy interjecting—

The PRESIDENT: Order! You too, Senator Conroy.

Senator BRANDIS: Senator Cameron, for staff of a royal commission to interview a witness is not coaching. For staff of a royal commission to give an indication to a witness as to the scope of questions—

The PRESIDENT: Pause the clock.

Senator Cameron: Mr President, again a point of order on relevance. I have asked: how is providing Ms Jackson with advice on the content of a question brief at an upcoming hearing consistent with the rule? He has not gone to that issue, and the minister should go to that issue. You should draw his attention to the question.

The PRESIDENT: Senator Cameron, I believe the minister has been directly relevant. He has referred to the aspects of your question in relation to coaching. Minister, you have the call.
Senator BRANDIS: For staff of a royal commission to give a witness an indication of the topics that will be covered in their examination is not coaching. Not only is it not coaching; it is utterly orthodox. When Mr Shorten—by the way, Senator Cameron, who did not approach the royal commission in a helpful way to offer information—was called as a witness before the royal commission— *(Time expired)*

Senator Conroy: You really stuffed up then, George. Oh, no! You stuffed that up.

The PRESIDENT: Order on my left.

Senator Conroy: That is a very serious allegation he just made. I ask you to make him withdraw that. It is a very serious allegation he just made against the Leader of the Opposition.

The PRESIDENT: I have not heard any allegation.

Senator Conroy: It is a very serious allegation.

The PRESIDENT: Senator Brandis, I did not hear any allegation that you made about the Leader of the Opposition—but if you could assist.

Senator Brandis: Mr President, not only did I not make an allegation against Mr Shorten—

Senator Conroy: Yes, like last time—

The PRESIDENT: Order! Senator Conroy!

Senator Brandis: I did not actually have the opportunity to finish my sentence.

Senator Jacinta Collins: You said he was unhelpful.

Senator Conroy: You actually said that.

Senator Jacinta Collins: He's a liar!

Senator Conroy: That is a reflection.

The PRESIDENT: I am sorry, Senator Conroy. If the words were 'he was unhelpful', I do not see that necessarily as a reflection on—

Senator Conroy: It is an absolute reflection.

The PRESIDENT: I am sorry—

Opposition senators interjecting—

The PRESIDENT: Order! I am happy to review Hansard and I am happy to take advice.

Senator Conroy: It is the context in which he said it.

The PRESIDENT: I agree with context, Senator Conroy. I am happy to take advice. I cannot have points of order and I cannot debate this issue with individual senators. I am going to do this orderly. Senator Colbeck is on his feet, seeking a point of order—I assume, Senator Colbeck?

Senator Colbeck: Mr President, I do seek a point of order. I might ask Senator Collins to withdraw her remark.

Senator Jacinta Collins: Which?

Government senators: You yelled out 'liar'.
Senator Colbeck: Senator Collins should withdraw. She made a reflection on the Attorney. The circumstances around it are irrelevant. Senator Collins should withdraw.

Honourable senators interjecting—

The PRESIDENT: Order! On the point of order—we are going to do this orderly—Senator Conroy.

Senator Conroy: Thank you. Senator Brandis a few weeks ago reflected across the chamber. You heard him and commented on it the next day. He stood up and denied he had even made the statements that you heard. So this is a man that is not worthy of being protected by the chair, and you should seek to get him to withdraw and you should dismiss that absolutely irrelevant point from Senator Colbeck.

The PRESIDENT: I will determine, Senator Conroy, what is relevant and what is not relevant.

Senator Conroy: You heard him!

The PRESIDENT: Order! I am deliberating on the points of order. I will make a decision at the end of the points of order. Senator Bernardi, a further point of order.

Senator Bernardi: Mr President, in support of this point of order, Senator Collins used most unparliamentary language with respect to Senator Brandis. Many of us heard it. It is incumbent upon the decency of Senator Collins to withdraw it. That is all that is required.

The PRESIDENT: Thank you, Senator Bernardi. Senator Collins.

Senator Jacinta Collins: I will withdraw.

The PRESIDENT: Thank you, Senator Collins. Senator Wong, on the same point of order?

Senator Wong: Mr President, I rise on Senator Conroy's point of order and the request that the Attorney do the right thing, as Senator Collins has just done, and withdraw. The inference, as I understand it, that Senator Conroy and the opposition are concerned about is an inference about the conduct of Mr Shorten at a royal commission. That is a much more serious inference than a general proposition about whether someone is being helpful or not helpful. It goes directly to his conduct as a witness. I would invite the Attorney to do the right thing and withdraw.

Senator Conroy interjecting—

The PRESIDENT: Senator Conroy, you have spoken. In relation to your matter, Senator Conroy, where you mention matters of the last sitting session, that is irrelevant and has nothing to do with this particular point of order. So I will dismiss that out of hand. The matter that Senator Colbeck has raised has been dealt with and there is no further action required there. What I heard from what Senator Brandis said—and I take what you are saying about context, Senator Wong and Senator Conroy—about him being an unhelpful witness—and I am not saying they were the exact words—I have discussed this matter with the Clerk in the moments I have had. We cannot find anything that is unparliamentary in that.

Senator Conroy: It is a reflection.
The PRESIDENT: Order, Senator Conroy. So I will now leave this in the hands of the Attorney-General, because with the noise in the chamber it is very difficult to hear the exact context—

Senator Jacinta Collins: He is the law officer of the land.

The PRESIDENT: Order, Senator Collins—of how this matter was portrayed. Senator Brandis, if you believe there is anything that was unparliamentary, I will invite you to address that issue; otherwise, we will move on. I am happy to go back and review whatever transcript and whatever audio visual I can, and if there is anything that I determine then that is unparliamentary I am very happy to come back to the chamber. I am happy, Senator Wong or Senator Conroy, if you wish to make a response, but that is how I see it at the moment.

Senator Conroy interjecting—

The PRESIDENT: Okay. Attorney-General, is there anything you wish to add?

Senator Conroy: Just gutless!

The PRESIDENT: Order, Senator Conroy.

Senator Brandis: Mr President, I do not understand you to have ruled that the word 'unhelpful' is unparliamentary.

The PRESIDENT: Correct.

Senator Brandis: I do not consider it to be unparliamentary. I do make that observation and I stick by it.

The PRESIDENT: Thank you, but I will add for clarity that it is quite clear in Odgers and the standing orders that it is not necessarily just the word that it is used, it is the context. What I am saying is that I cannot determine the context because I did not hear the entire context of what was said.

Senator Moore: Mr President, on the point of order: I would ask you to talk with the Clerk about listening to the audio and to consider the reflection in the context of the term about the action at the royal commission.

The PRESIDENT: I have indicated I will do that.

Senator Moore: I request that you do that, Mr President.

The PRESIDENT: I am going to do that, request or not. Can we move on in an orderly manner.

Senator CAMERON (New South Wales) (14:22): Mr President, I ask a supplementary question. I refer to a submission from counsel to Ms Jackson, which says that the commission's legal team 'initially foreshadowed a thematic approach to hearings involving Ms Jackson. The initial plan, however, was not adhered to.' Is the Attorney-General aware of any other plans agreed to between the commission and witnesses, or did Ms Jackson get special treatment?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:23): If I may finish the sentence I was in the middle of when answering the primary question, Mr Shorten, who did not approach the royal commission for the purpose of helping the royal commission as Ms Jackson did, was nevertheless afforded the courtesy through his legal representatives of
being given advance notice of the documents on which he was going to be questioned. So the suggestion that Ms Jackson was given some sort of special treatment that was not vouchsafed to others who approached the royal commission, including Mr Shorten himself—

The PRESIDENT: Pause the clock.

Senator Cameron: Mr President, I again rise on a point of order on relevance. The issue I have asked about is not whether documents were supplied but whether a thematic approach to hearings involving Ms Jackson was given and an initial plan was provided. That is the question and the Attorney-General should go to that question.

The PRESIDENT: Senator Cameron, the second part of your question was did she receive any favourable treatment. The minister has answered that directly.

Senator Wong: Mr President, on the point of order: with respect, the question was 'Is the Attorney-General aware of any other plans agreed between the commission and witnesses or did Ms Jackson get special treatment'—in relation to plans, not documents. He has not answered the question, with respect, Mr President.

The PRESIDENT: I do not believe there is a point of order.

Senator BRANDIS: Senator Cameron, you seem to think that for a witness to be interviewed before they give evidence is unusual. You seem to think that for a witness to be given an idea of the topics that will be covered in their examination before the royal commission is unorthodox. That is not the case—

The PRESIDENT: Pause the clock.

Senator Cameron: Mr President, I again raise a point of order on relevance. I did not go to the issue of whether a witness was interviewed before they give evidence is unusual. You seem to think that for a witness to be given an idea of the topics that will be covered in their examination before the royal commission is unorthodox. That is not the case—

The PRESIDENT: I did rule earlier that the part of the question about special treatment the Attorney-General answered. As has been ruled by Presidents past as well as me, a minister can enhance the answer. The minister has been doing that.

Senator BRANDIS: The treatment of Ms Jackson was utterly orthodox, utterly usual, so, Senator, the answer to your question is plainly no. (Time expired)

Senator CAMERON (New South Wales) (14:26): Mr President, I ask a further supplementary question. I refer again to a submission from counsel for Mr Jackson, which says:

This change in approach gave rise to a degree of unfairness in relation to Ms Jackson. This was recognised by the Commissioner …

Why did Commissioner Heydon intervene on Ms Jackson's behalf when she complained they were not sticking to the plan? Why did he stop questioning that was not to her liking?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:27): Senator Cameron, I am not familiar with that part of the transcript but I can assure you that it is at the heart of the function of any judicial officer, any judge or any person conducting an inquiry at which evidence is being induced from witnesses to ensure that the witness is fairly treated. I am sure that, as he has been throughout the conduct of this royal commission, Mr Heydon,
who is one of the most experienced judges in Australia, was absolutely scrupulous in
discharging his duty to ensure—

The PRESIDENT: Pause the clock.

Senator Cameron: Mr President, I raise a point of order on relevance. I was asking why
Commissioner Heydon intervened. That is the substance of this—Commissioner Heydon
intervening and giving special treatment to a witness. The Attorney-General should deal with
that part of the question.

The PRESIDENT: The Attorney-General did indicate that he was not familiar with that
portion of the transcript up-front. The Attorney-General has 17 seconds in which to complete
his answer.

Senator BRANDIS: Senator Cameron, even you will understand this: judges, judicial
officers and royal commissioners conducting proceedings at which witnesses give evidence
always intervene to ensure that the witness is fairly treated by counsel. That is an elemental
judicial function. (Time expired)

Asylum Seekers: Europe

Senator HANSON-YOUNG (South Australia) (14:29): My question is to the Minister
representing the Prime Minister, Senator Abetz. Will the government distance itself from the
shameful comments made by Senator Bernardi, who said that the family of young Aylen, who
tragically drowned along with his brother and his mother, are not legitimate refugees and that
the European crisis is simply opportunistic migration? Does the minister agree that these
comments are out of step with community concern and sentiment?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting
the Prime Minister for the Public Service and Minister for Employment) (14:29): It has been
my sorry experience that, when Senator Hanson Young asserts that a particular senator has
said something, quite often there is the odd word missing and, as a result, the context is
completely misrepresented. I am not sure of the exact commentary by Senator Bernardi. I am
happy to have a look at it and come back to the chamber in relation to any comments that my
good friend Senator Bernardi might have made. We as a government understand that there is a
humanitarian crisis that does need to be addressed. That is why, as we speak, Minister Dutton
is in Europe engaged in discussions to see what role Australia can play.

I say to those who would seek to get cheap headlines—people have plucked the figure of
10,000 out of the air. It makes a great headline. But why 10,000 rather than 9,000 or 11,000?
There is no rhyme or reason; it was just a nice round figure to get a headline. These matters
are best dealt with step by step, methodically, purposefully and, if we can, in lock step with
the world community to achieve a result that is compassionate, keeping in mind that true
compassion is a blend of kindness and judgement. That is what we need to bring to bear in
these debates: sound judgements with kindness. That is what we as a government seek to
bring to this issue. (Time expired)

Senator HANSON-YOUNG (South Australia) (14:32): Mr President, I ask a
supplementary question. Given Senator Abetz's response to that question, I hope the answer to
this one is quite simple. It has been reported by the ABC that Liberal Party backbenchers have
told the Prime Minister that when it comes to refugees they want 'no more Muslim men'. Will
the minister distance the government from the sentiment of these comments?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:32): Once again we have unnamed sources reported by the ABC. I personally have been the target of those sorts of reports, which are not founded in fact in any way, shape or form. What I would say to the honourable senator is, ‘Don't believe everything you might hear on the airways on the ABC.’ I can assure the honourable senator and the Australian people that the intake that we have into this country—keeping in mind that it is the most generous in the world—is based on need. That should be the criteria—

Senator Kim Carr: So not religion?

Senator ABETZ: and, as a result—and it stands to reason, Senator Carr—(Time expired)

Senator HANSON-YOUNG (South Australia) (14:33): Mr President, I ask a further supplementary question. Does the government recognise that these types of divisive comments and attitudes have no place in a modern and caring Australia? Will your government commit to offering help to more refugees on the basis of need and not on the basis purely of religion?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:34): There is no place in mature Australian politics for the peddling and rehashing of unsourced nonsense. Let’s be clear on this. What Senator Hanson-Young is trying to do is cause division in the community by peddling this unsourced nonsense. I have indicated that the intake and the government's concern is to ensure that we look after the people in need. That is, in fact, why we sought and achieved the task of stopping the boats—so that we could have a refugee intake based on need, not on the capacity to pay criminal people smugglers to enhance a particular individual's cause. We have been consistent here, unlike Senator Hanson-Young and the Greens. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:35): Before I call the next senator, I draw to the attention of honourable senators the presence in the chamber of a parliamentary delegation from Latin America. On behalf of all senators I extend to you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Trade with China

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:35): My question is to the Assistant Minister for Education and Training, Senator Birmingham. Can the minister outline to the Senate the process a foreign worker will need to go through to work as a skilled tradesperson on a temporary skilled 457 visa under the China-Australia Free Trade Agreement?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:35): I thank Senator Ruston for her question because I know that Senator Ruston is based in the Riverland area of South Australia, one of our prime agricultural areas. As such, she represents a part of Australia which, like so many parts of Australia, will benefit
greatly from the China-Australia Free Trade Agreement through increased export opportunities, increased wealth and, most importantly, increased jobs.

ChAFTA does not change the skills and experience requirements that need to be met by any skilled worker applying for a temporary skilled 457 visa to Australia. It is to the shame of those opposite that they follow blindly their leader, Mr Shorten, who, once again, on ABC radio this morning, and in the parliament today, has continued to report falsehoods and to generate a scare campaign in relation to skilled tradespeople working in Australia, which is just not based in truth. Any applicant for a skilled 457 visa will still be required to demonstrate to the department of immigration, the border protection service and the Department of Education and Training that they possess the requisite skills and experience to work in this country. This includes evidence of identity, of work history—

Senator Cameron interjecting—

Senator BIRMINGHAM: of qualifications, Senator Cameron, and of memberships of relevant bodies or associations; and references and documents showing English language skills. Further, additional skills assessments from registered training organisations approved by Trades Recognition Australia will be conducted where further verification is required. Perhaps most importantly, anyone working in a licensed trade must continue to meet the requirements of Australian state and territory authorities in relation to those licensed trades. So unlike what Mr Shorten, Senator Cameron or others say, Australians can have confidence that skilled workers in Australia will always be properly skilled. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:38): Mr President, I ask a supplementary question. Can the minister outline to the Senate the consequences of misleading claims about foreign workers?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:38): The consequences are severe. It will put billions of dollars of trade, billions of dollars in investment in Australia and thousands of jobs at risk for Australia's future if we do not get the China-Australia Free Trade Agreement passed and implemented, because of the growth opportunities that exist. This is an agreement that in terms of skills recognition is bringing China into line with 150 other countries who we already trade with and who can already access skilled 457 visas, countries like the United States, Korea, Japan, Poland, Chile, Germany, Singapore, New Zealand, the United Kingdom, Somalia—it brings China into line with Somalia in terms of being able to access skilled 457 visas. It is amazing how silent those opposite go when they hear all those other countries listed—because in that regard this is about providing more opportunities for more investment in Australia, which equals more jobs for Australians. (Time expired)

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (14:39): Mr President, I ask a further supplementary question. Can the minister outline to the Senate whether the China free trade agreement will create more or fewer opportunities for skilled tradespeople?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:39): Clearly the China free trade agreement will create more job opportunities for all Australians, including skilled tradespeople around Australia, because we will see billions of dollars in additional investment in Australia that will generate job opportunities.
We will see billions of dollars in additional exports from Australia that will create opportunities for more workers and more opportunities for people to work in those jobs as they are developing those businesses. There will be enormous job opportunities, as Senator Abetz highlighted before. When it is fully implemented there will be some 178,000 additional job opportunities for Australians under ChAFTA, including skilled Australian workers. Those opposite really should go and have a look at section 2.26B of the Migration Regulations, which stipulate the types of conditions that skilled workers in Australia have to meet. Whether they are from China, Somalia or the United States, they will all be appropriately skilled. (Time expired)

**Employment: Foreign Workers**

**Senator KETTER** (Queensland) (14:40): Mr President, my question is to the Minister for Employment, Senator Abetz. It has now been one week since the exposure of widespread underpayment of foreign workers at 7-Eleven stores in Australia. What action has the minister taken to address serious allegations of systemic underpayment of foreign workers on temporary visas?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:41): As the honourable senator rightly indicates, this is a matter that regrettably seems to have been around for some time. What that tells us is that all this has occurred under Labor's Fair Work Act, under Labor's administration, nothing of which has been changed by this government. However, the Fair Work Ombudsman has been on the game here. The Fair Work Ombudsman has been pursuing these matters. Indeed the Australian Labor Party are only asking questions about this matter now because of media exposure—something which the Fair Work Ombudsman has been on to for some time. One thing that we as a government have done—and it was part and parcel of our desire to modernise and bring up to date the workplace relations system—was the development of an app called PACT, Pay and Conditions Tool, that allows both workers and employers to very conveniently access from their mobile phone exactly what their entitlements are under a particular award.

**Senator Moore:** Mr President, I raise a point of order on the direct question. I have been listening very carefully to the minister's answer and I want to know what action he has taken on the serious allegations of systemic underpayment of foreign workers. I am just not sure where the answer is going on that.

**The PRESIDENT:** Thank you, Senator Moore. The minister was asked about what action he has taken. I think the minister is on track with the question.

**Senator ABETZ:** Before I was aware of this situation, we were taking proactive steps to try to minimise these sorts of activities. The Labor Party set up, under their regime, the office of the Fair Work Ombudsman to police these matters. (Time expired)

**Senator KETTER** (Queensland) (14:43): Mr President, I ask a supplementary question. What action has the minister taken to address serious allegations that 7-Eleven employment records and rosters have been falsified to cover up systemic underpayment of workers? Will the government now extend full cooperation to the Senate inquiry into Australia's temporary work visa programs, which it initially opposed?

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**CHAMBER**
**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:44): Any falsification of records is to be condemned. Any underpayment of wages is to be condemned. In Australia we have a proud history of ensuring that a fair day's pay is provided—

**Senator Lines:** You have no history of it! None!

**Senator ABETZ:** Really, Senator Lines! Grow up! We have a great history in this country of ensuring that a fair day's work is remunerated with fair pay. When—

The PRESIDENT: Pause the clock.

**Senator Moore:** Mr President, I raise a point of order on direct relevance to the question. There are only 20 seconds remaining. The question was about direct action taken to respond to the false records and also support for the Senate inquiry into Australia's temporary work visas.

The PRESIDENT: You are correct, Senator Moore. The question was: what action has been taken about falsified records? I draw the minister's attention to the question.

**Senator ABETZ:** I was talking about the evil of falsifying records. I would have thought that was directly relevant. Under the regime that Labor set in place we have an independent statutory body called the Fair Work Ombudsman. We have faith in the Fair Work... *(Time expired)*

**Senator KETTER** (Queensland) (14:46): Mr President, I ask a further supplementary question. Will the government provide an amnesty to holders of student visas who have been exploited by 7-Eleven stores using the business model exposed in the Four Corners program and who want to give evidence to authorities?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:46): What I would say to Senator Ketter, and on his line of questioning generally, is that Labor have to decide whether or not they have confidence in their own Fair Work Ombudsman—

The PRESIDENT: Pause the clock.

**Senator Moore:** Mr President, I rise on a point of order. Again, it is on direct relevance to the specific question, which was about amnesty to holders of student visas. I think it would be useful to draw the attention of the minister to that question.

The PRESIDENT: Thank you, Senator Moore. I will remind the minister of the question. He has 45 seconds in which to answer.

**Senator ABETZ:** The Fair Work Ombudsman is an independent statutory authority that is charged with policing these matters. I think it is important to place that on the record. Secondly, the department is working with those victims and with the immigration department to seek to ensure that the victims of this scam are properly looked after. I cannot respond to Senator Ketter's specific suggestion, but I will take it on notice to see if there is anything else that I can provide to the honourable senator.

**Trade with China**

**Senator SMITH** (Western Australia) (14:47): My question is to the Assistant Minister for Social Services, Senator Fifield. Will the minister inform the Senate of the benefits of the China-Australia Free Trade Agreement for Australian aged-care service providers?
Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:48): Thank you, Senator Smith, for your deep interest in aged care and also particularly for organising a terrific series of visits and meetings on aged care in regional Western Australia last week.

I am very pleased to advise that the free trade agreement has secured the best ever market access to services provided by China to a foreign country. As Minister Robb has said, when it comes to services, this is the best ever deal China has done by a country mile. China, like our own population, is ageing. By 2025 it is expected that there will be 300 million people aged over 60 in China. Compare this to our own consumers, where by 2020 it is expected that there will be 1.6 million Australians over 65 who will need some form of care.

This is an unprecedented opportunity for Australian aged-care providers to access the world's second largest economy and its huge potential in aged care and health. The agreement permits the establishment of wholly Australian owned hospitals and aged-care services in China. It is a once-in-a-generation opportunity for our aged-care industry. It demonstrates that there is demand in China for the training that we can provide in management, nursing, gerontology, personal care, reablement and facilities management. Australian aged-care providers are keen to sell their services and experience to China. Australian facility managers, property developers and architects are keen to sell their operational and design expertise. This is an opportunity that we cannot afford to let go begging. Also, Australian universities and RTOs are keen to sell education and training services for all levels of aged care both in China and also from Australia. (Time expired)

Senator SMITH (Western Australia) (14:50): Mr President, I ask a supplementary question. Will the minister inform the Senate of how the government is realising the potential benefits of the landmark opportunity for the aged-care services sector?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:50): In November this year Austrade, in collaboration with China's national peak body for aged care and health industries, will launch the first Australia-China international aged care summit. The summit will showcase Australian aged-care capabilities and will facilitate bilateral engagement to support commercial opportunities and potential collaborations. Providers who participate will be able to build up some contacts and businesses opportunities and meet potential joint-venture partners. They will also benefit from government access and on-the-ground assistance from the Austrade team in China.

As we know, former Prime Minister Bob Hawke is a huge fan of this agreement. We have heard much from Simon Crean, Martin Ferguson and a galaxy of Labor premiers. But we should not neglect Senator Conroy's former staff member and his protege, the Victorian trade minister, Phil Dalidakis. Even he is in favour. Lucky Phil— (Time expired)

Senator SMITH (Western Australia) (14:51): Mr President, I ask a final supplementary. Will the minister advise the Senate how China can benefit from the experience of Australia's world-class aged-care sector?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:51): The ageing of the population and how best to provide support and care to the elderly is a major policy issue in China. There is already rapid
expansion of aged-care services in China. Both the Chinese national government and the provincial governments know that a lot more is needed to meet the future demand that they have. The Chinese government recognises that Australia has a well established, world-class aged-care system, a world-class aged-care sector, and that we are in a terrific position to help the Chinese with the fabulous challenge that is a population that is living longer and living better. China is very keen to establish government-to-government dialogue to learn from us but also, importantly, in these arrangements we need to be very open to learning from the Chinese as well. The Australian Labor Party should put politics aside and get on board.

Illicit Drugs

Senator LAMBIE (Tasmania) (14:52): My question without notice is to the Prime Minister's representative, the Leader of the Government in the Senate, Senator Abetz. I refer the senator to the fact that Australian parents do not have the right under our national laws to seek nonconsensual rehab or involuntary medical treatment should their children become hooked to highly addictive and dangerous drugs like ice. I also refer the senator to the fact that children as young as eight are using and are addicted to the drug ice. Will the Abbott government work with myself, Senator Xenophon and other crossbench senators to create historic national legislation which will give Australian parents the right to involuntarily detox and begin to rehabilitate their children if medical professionals agree that those children are addicted to ice or other similar harmful drugs?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:53): I think we are all agreed in this place that the scourge of ice and other drug-taking is a matter that is destroying lives, not only for the individuals that are taking these illegal and highly inappropriate substances but also for their families and their communities, and indeed it undermines society at large. The honourable senator can be assured that we as a government would seek to work with anybody that has ideas to put forward to overcome this as an issue but also for individuals. We can discuss numbers all we like, but each one of those numbers is an individual person with an individual very, very sorry tale to tell and then a family around that person as well. Indeed, the honourable senator is only too painfully aware of that herself, with her recent media commentary on how this matter has affected her own family.

The suggestion put forward by the honourable senator will of course be considered by government. What I would say to her is that, any approach should be evidence based and should have some professional input. I must say that I for one—and please do not take this as government policy—I am attracted to the suggestion of the honourable senator, because asking for consensual agreement from people who are so, if I can use the colloquialism, out of their mind as to be unable to give proper, informed consent really does lead us in the dilemma we are in as a community. (Time expired)

Senator LAMBIE (Tasmania) (14:55): Mr President, I ask a supplementary question. I refer the senator to the fact that sophisticated dangerous groups of organised criminals nationwide and with international connections are manufacturing highly addictive drugs like ice and are making billions of dollars of profit in peddling those drugs to our children. Will the Abbott government work with myself and other crossbench senators to create historic national laws which target organised criminal gangs?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:56): If there is one thing that can be accepted across the chamber is that we as a government seek to be a government of zero tolerance when it comes to drugs and when it comes to the criminality involved in that hideous industry which is seeking to make money on the destruction of other people's lives. If there is a legislative remedy that can be achieved to assist us in that fight, of course the government will be all ears, willing to listen to any proposal that might help us fight this scourge. But of course—and I am sure the honourable senator would agree—it is not only legislation; albeit it is a very important part of the armoury. We also have to look at who else might be protecting these insidious elements in our society. (Time expired)

Senator LAMBIE (Tasmania) (14:57): Mr President, I ask a further supplementary question. I refer the senator to advice I received from a highly respected military intelligence expert who reports that the total cost to the Australian government of dropping one laser guided bomb on a terrorist in Syria is up to $5 million. Can the senator detail for this chamber the number of ice rehab and detox beds for our addicted children the Australian government could provide for up to $5 million?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:57): Regrettably, two excellent previous questions have been undone by an attempt at a cheap political shot by the honourable senator. The attempt to link the two issues I think does the senator no credit at all. What I would say is that any support that can be given to the victims of illegal drugs of course should be provided. Similarly, Australia has a responsibility to defeat the evil death cult which is destroying lives by beheading people—

Senator Lambie: Mr President, I rise on a point of order. Library research shows Australia in one year has conducted 119 airstrikes and dropped 447 bombs on Iraq.

The PRESIDENT: Senator Lambie, I need to understand what your point of order is.

Senator Lambie: I just wanted to know how much it costs to kill one terrorist. How much does it cost our RAAF to kill a Middle Eastern terrorist? Could I please put that request in, and please get back to me with that figure. That would be great.

The PRESIDENT: I will take that as a point of order on relevance. I think the minister has been relevant to your question. The minister has concluded his answer.

Environment

Senator SINGH (Tasmania) (14:59): My question is to the Attorney-General, Senator Brandis. I refer to the government's proposed changes to the EPBC Act, which remove the rights of third parties to challenge environmental approval decisions in the courts. Is prime ministerial confidant and commentator Alan Jones correct in his assessment that, 'The latest move by the Abbott government puts at risk not just our environment but our very democracy'?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:59): Senator Singh: no. If Mr Jones said that—I have not seen his remarks—that is not correct at all. Let me, if I may, Senator Singh, explain what the government intends to do. Section 487 of the EPBC Act creates an exception to the ordinary law. The ordinary common-law rule is that a
person is entitled to commence proceedings, including proceedings for administrative review of a decision maker's decision, if that person is affected by the decision. That is the law. That has been the law since time immemorial. Anyone who is affected has a right of standing before a court or an administrative review tribunal. Section 487 of the EPBC Act created an exception to that traditional common-law principle by giving standing to apply for review of administrative decisions made under that particular act to anybody who was an Australian citizen or a person ordinarily resident in Australia who, at any time within the previous two years, had any involvement whatsoever in any activity relating to conservation or research into conservation.

Senator Singh, unfortunately, that provision—inserted, I might say, by the Howard government in order to give genuine environmentalists an additional forensic benefit in the review of disputed environmental decisions—has been availed of in recent years by vigilante litigants who are quite blatant, quite shameless, in their declaration that they intend to use that enhanced statutory standing for the purpose of economic destruction, and we will not allow that to occur. (Time expired)

Senator SINGH (Tasmania) (15:02): Mr President, I ask a supplementary question. I find it very surprising that the Attorney is not aware of the comments of Alan Jones, which have been plastered on TV ads on every television screen. Is the National Farmers' Federation right to be concerned that the standing of farmers and their representative bodies could be affected by the government's attack on the EPBC Act?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:02): I have seen Mr Brent Finlay's comments and those others of the National Farmers' Federation. Any farmer, any landholder, any businessman who is affected by any environmental decision will have the standing to challenge that decision, to seek administrative review of that decision. They do not rely, they do not depend, upon section 487 of the EPBC Act for that standing. They do not. It is very simple, Senator Singh. If they are affected, then, as a matter of ordinary common-law principles, they have a standing in the court and they have a right to challenge that decision. If they are not affected then they rely on section 487. But section 487 is not the basis on which a person affected by a decision can challenge it. They can challenge it under the ordinary law.

Senator SINGH (Tasmania) (15:03): Mr President, I ask a further supplementary question.

Senator Colbeck: Are you going to quote Andrew Bolt now?

The PRESIDENT: Order! To the question—ignore the interjection, Senator Singh.

Senator SINGH: What has Andrew Bolt said? Can the minister confirm that in the 15 years since John Howard introduced these environmental approval laws, only six out of 5,500 approvals have been successfully challenged by third parties? Is it any surprise that even Alan Jones thinks that this bad policy is an abuse of power?
environmental groups had published to declare that they would use legal devices, including the expanded right of challenge under section 487 of the EPBC Act, for the explicit purpose of closing down the Australian coal industry.

Senator Singh, in my state of Queensland the Carmichael mine is one of the biggest projects that has ever been proposed, and the people of Central Queensland in particular are appalled at the thought that the jobs that would be brought to Central Queensland could be lost as a result of opportunistic litigation by people with no recognised legal interest in the matter whatsoever but merely a political point to make to misuse the courts for their purpose. 

(Time expired)

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

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Employment: Foreign Workers

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:05): Further in response to Senator Ketter, I can advise him that the department and the Fair Work Ombudsman are working closely to ensure visa applicants who are 7-Eleven employees are provided with ongoing advice and support. The department is currently examining its options, including the use of discretion in decision making rather than the use of an amnesty. The individual circumstances of visa applicants who are 7-Eleven employees will be taken into account in any considerations undertaken by the department. Each case will be treated on its merits and discretion will be used, particularly in compassionate and compelling circumstances and where clients are in vulnerable situations.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Royal Commission on Trade Union Governance and Corruption

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:06): I move:

That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Attorney-General (Senator Brandis) to questions without notice asked by Senators Conroy and Cameron today relating to the Royal Commission into Trade Union Governance and Corruption.

As senators would be aware, today's article in The Australian by Pamela Williams contains explosive revelations about the Abbott government's politically motivated trade union royal commission. We already knew that the Prime Minister's hand-picked royal commissioner, Dyson Heydon, had inexplicably agreed to speak at a Liberal Party function. In recent weeks, we have also come to learn that Dyson Heydon and Counsel Assisting Jeremy Stoljar failed to disclose that they were tipped off about the forthcoming media storm. And, most recently, we have seen the unedifying spectacle of Dyson Heydon finding himself, surprisingly, clear of potential bias.

If all of that were not enough to prove what Labor has been saying all along—that this royal commission is nothing more than a politically motivated witch-hunt set up by the Prime Minister to smear his political opponents—today's explosive revelations can leave nobody in doubt about the political motivations behind this royal commission and the biased behaviour of the royal commissioner and his staff. Thanks to the investigative journalism of Pamela
Williams, we have learned today from the royal commission's own file notes—the royal commission's own documents—that the royal commission staff helped—coached, no less—Ms Kathy Jackson. This is a smoking gun. It fatally compromises this outrageous politically-motivated royal commission.

Instead of investigating trade union corruption, the supposed basis for this royal commission, today we have learned that the royal commission was protecting a corrupt witness, Kathy Jackson, to cover up her thefts—was protecting a corrupt witness to protect her from disclosure of her own corrupt stealing, rather than fulfilling its supposed mandate—

Senator Bushby: Oh, you've established it?

Senator CONROY: I do not have to establish anything, Senator, because a court of law in this land has found Kathy Jackson guilty of stealing $1.4 million. And this is what the royal commission did, instead of its job; it said: 'We're not going to investigate allegations against Kathy Jackson; we are going to give you, Ms Jackson, the opportunity to attack the people who made the allegations against you, which you have subsequently been proved guilty of.'

So let me be very clear about this: it is not simply Labor's contention that this outrageous witness-coaching took place; it is not even The Australian's contention. It is in black and white in the royal commission's own documentation.

Let me read directly from a file note of a telephone call between Kathy Jackson, Fiona Roughley and Matthew Ashworth. I am sure everyone in this chamber—especially Senator Abetz, who is a regular telephone correspondent with her—knows who she is. But the royal commission staff's own notes reveal that Ms Roughley told Kathy Jackson that the royal commission had obtained material relating to her slush fund. For those who are not aware, this innocuously named 'national health development account' is none other than her slush fund, that she raided for $284,000—plus the rest. And this is what was said, from the file note: 'The commission intends—

Senator McKenzie: Time! Time! Time!

Senator CONROY: to hold the hearing as there is a good chance—

The DEPUTY PRESIDENT: Order! Senator, your time has expired. Yes, thank you, Senator McKenzie; I was somewhat distracted.

Senator CANAVAN (Queensland) (15:11): Once again, Senator Conroy is true to form; he is long on balderdash and short on basic facts. He was short on very basic facts, because the facts are that the information that was provided to Kathy Jackson, as revealed in The Australian, is exactly the kind of information that was provided to other witnesses that have appeared at the royal commission as well.

Senator Conroy: Rubbish! Liar!

The DEPUTY PRESIDENT: Order! Senator Conroy, you need to withdraw those comments.

Senator Conroy: I withdraw.

Senator CANAVAN: Senator Conroy, I did not actually hear them myself, but I thank you for withdrawing. What Labor senators opposite have to prove in this debate is: why is it okay for some union witnesses to receive very detailed information on the topics and issues
that they will be questioned about but apparently not okay for Ms Kathy Jackson to receive
the same briefing before her appearance?

I actually have some basic facts to provide the Senate, unlike Senator Conroy. It looks like
I will have time to actually do them, unlike Senator Conroy. There is a letter here from the
Royal Commission into Trade Union Governance and Corruption, dated 7 April 2015, to Mr
Steve Heathcote, who was a solicitor for the Transport Workers’ Union of Australia. In that
letter, it discusses the TWU’s appearance before the commission on 11 May. I quote directly
from it:
The Commission would be grateful if a statement from Mr Burton would be provided on the following
topics: …
This letter in itself is more than a page long. I do not have time to read out all of the topics,
but they go to the purchase of two Ford F350s in 2012-13. Senator Conroy was just saying
there was some grand conspiracy over the identification of an account. This goes to the actual
details of two cars purchased, as well as a redundancy payment to an individual. That is not
the only basic fact that I would like to present during this debate.

There was another letter on 30 July 2014, again from the royal commission, to Mr Michael
Doherty of Maurice Blackburn, a lawyer for TWU Australia. It goes to their appearance
between 19 and 22 August 2014. Again, this letter is more than three pages long and details
different issues that the royal commission would like to ask questions on, including the
election of positions for the Flight Attendants’ Association of Australia, and the receipt and
expenditure of moneys by the McLean Forum Ltd and the election of positions of office to the
TWU in 2010. This is standard procedure for the royal commission, and there is nothing
special about this. What is special about this is the continuing attempt from the Labor Party to
distract attention from the contemptible behaviour that some union officials have engaged in.

Another basic fact is that four officials connected to the CFMEU have been arrested.
Twenty-six union and ex-union officials are currently under investigation by police around
the country. They are basic facts. The Labor Party would have you believe that there is some
grand conspiracy between the Prime Minister, the royal commission and the police forces in
this country. Apparently the police forces in this country are engaged in a conspiracy among
each other to distract attention from the otherwise good work of trade unions. I do think some
trade unions do good work, but unfortunately there is a number—admittedly, it is a small
number—of very bad apples that should be rooted out. Their behaviour should be exposed,
and any decent political party in this country would join with this government, the police and
the royal commission to make sure that those bad apples are gotten rid of so that the
hardworking and genuine trade union members of this country can receive proper and non-
corrupt representation from their officials.

But, apparently, the Labor Party with their continuing campaign of rolling out red herrings
on this issue are not interested in that. They are not interested in protecting the hardworking
union members that these organisations are meant to represent. They are only interested in
protecting the officials and the perks that those officials can often provide. I wish the Labor
Party had a different attitude, but clearly they do not.

In the limited time left available, I would like to say that a couple of weeks ago the police
made a visit to some CFMEU offices. In response, CFMEU officials accused the police of
being in hock to the royal commission and accused them of running a distraction campaign on
behalf of the Prime Minister. What credible organisation in this country does not cooperate with police? What credible political party in this country defends people who do not cooperate with police?

Senator CAMERON (New South Wales) (15:16): I always find it quite amusing when the coalition talk about workers and looking after workers and trade unionists. It always make me smile when I see these people, with a pedigree going back to Bjelke-Petersen in the National Party, spawned from the loins of the Bjelke-Petersen regime, stand up here and tell us they are going to look after working people and trade unionists in this country.

The reality is quite clear. The reality is that this royal commission is fundamentally flawed. It is fundamentally flawed because it was a political product of the coalition. It was a political product that was to be a clear attack on not only the trade union movement in this country but the Labor Party in this country. It is about attacking the opponents of the coalition. It is about using every aspect of the power of government against political opponents. That is what this government has done. Bjelke-Petersen did the same thing, but Bjelke-Petersen did it in a much more raw way. He did it in a much more blatant way. This coalition is trying to do it in a way that is a little bit more subtle.

So what do they do? They get Dyson Heydon, a former High Court judge who is one of the most conservative judges this country has ever seen, to head up a royal commission to attack the trade union movement and to attack the Labor Party. Dyson Heydon, only a few years back, was talking about it still being okay to rape your wife in marriage. That is the type of conservatism that this guy brought to the royal commission. He set about establishing procedures in the royal commission that looked after the biggest fraud and the biggest crook in the Australian trade union movement—Kathy Jackson. He looked after her, gave her special treatment and gave her inside running that was given to no other witness before this commission. Dyson Heydon is presiding over a crook royal commission. Dyson Heydon should go. The lawyers who are supporting Dyson Heydon should go. We should be establishing a proper inquiry. If there is evidence of any wrongdoing in the trade union movement, the people involved should be locked up and the key should be thrown away. That is what should be happening.

But it should not be done through a kangaroo court process which is a political attack by this government on the trade union movement and on the Labor Party. That is what this is all about. The bias is clearly there. Dyson Heydon—this guy who is supposedly a great legal mind—stood up and argued that a fundraiser for the Liberal Party was not a fundraiser. He sat in the royal commission and he protected the biggest crook ever in the trade union movement—Kathy Jackson. He protected her, gave her cover and gave her the inside running. Dyson Heydon is an absolute disgrace and he should go. He should go, his team should go and this royal commission should go. It is a tool of the coalition government to attack its political opponents, and Dyson Heydon is allowing himself to be the main attack weapon set up by this government.

If you are Kathy Jackson, you get a fair go, you get the inside running and you get coached. If you are a former Labor Party Prime Minister, you get attacked and you get a biased commentary made against you. If you are the current leader of the Labor Party, you get attacked. After hundreds of questions that they could not damage the leader of the opposition with, what happened? Dyson Heydon moved in to give the press the grab for the day. This
guy is biased. He should go. The royal commission is nothing more than a political tool to attack the trade union movement and the Labor Party. It is biased, it is unacceptable and Dyson Heydon should go. (Time expired)

Senator McKenzie (Victoria) (15:22): I too rise to take note of the answers given by Senator Abetz and Senator Brandis to questions asked by Senator Conroy and Senator Cameron. Here we are, as Conroy and Cameron—

The DEPUTY PRESIDENT: Senator McKenzie!

Senator McKenzie: I am sorry, Mr Deputy President, Senator Conroy and Senator Cameron are braying about the political bias of the royal commission that is uncovering corruption and improper behaviour of not only the trade union movement and not only trade union officials and their members, but also of third parties. You would think that those opposite would have confidence in the processes that this royal commission is going through and as part of that it will not only be trade unions or trade union officials and members, but there will be third parties so that at the completion of this royal commission we can have confidence that the trade union movement in this country, and indeed those dealing with the trade union movement, are free of corruption. That is something that, I am sure, many members of the trade union movement want to see happen.

Those opposite are braying about the political bias inherent and are trying so hard to undermine the royal commission. They have moved motions in the Senate, but have been unable to get the necessary support. They have tried to ruin the reputation of the eminent Dyson Heydon, the Royal Commissioner. They have attempted to critique quite severely the female witnesses appearing before the commission, and they tried to do that today. But what they cannot run away from is the fact that they are incredibly full of double standards. The Labor Party fails time and time again to notice the beam in its own eye.

I think of Mr Tim Harcourt, who is a commissioner on the Fair Work Commission and who is very public in the partisan way that he goes about his daily business. He tweets; he attends Labor Party fundraisers; he goes about it with disregard—it is almost a joy in the way he participates; he goes on The Drum et cetera. He is publicly proud of his association with the Labor Party. He ignores the advice of Justice Ross, who says, 'Pull you head in'—obviously in more legal language than that—and 'You're not in line with the code of conduct of the commission.' He ignores that and continues on his merry partisan way. I have not heard anybody on the other side decry the partisan behaviour and how it undermines the credibility and the trust that the Australian people can have in the Fair Work Commission, because of that particular member's refusal to do the right thing and resign.

When we talk about kangaroo courts, the Labor Party's attack over the last week on Dyson Heydon was nothing short of appalling. They took it to the court of public opinion. I do not think there is a high percentage of the Australian public with a legal background. I do not, and so I would not be an appropriate person to assess the legal arguments as to the facts of the case around Dyson Heydon. I would say the same of the majority of the Australian public. I think Waleed Aly—hardly an apologist for the right—had it right when he said that he thinks that decision should be left in the hands not of the public or of a kangaroo court or subject to the pub test, but it should be left to those with the legal expertise to bring down an opinion in which we can have confidence.
I really wish that those opposite would get on board. Martin Ferguson is; he wants to see the royal commission do its work in uncovering corruption on both sides of the argument so that once again Australians on both sides of the political or ideological divide can have confidence that the workers in Australia are being appropriately represented, that their funds are not being squirreled away in slush funds, that their union officials are not beating up on female investigators with the Fair Work Commission and that their representatives are not bullying workers in their own workplace. When we look at what the royal commission has already uncovered in its work—and we look forward to seeing the third party decisions—we should all get on board and support it.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:27): I also rise to take note of the answers given by Senator Abetz and Senator Brandis to questions asked by Senator Conroy and Senator Cameron. The Abbott government’s royal commission into trade unions has never been about weeding out corruption and it has never been about improving unions. What it was and what it continues to be—

Senator McKenzie: Have you seen the list?

The DEPUTY PRESIDENT: Order!

Senator URQUHART: is a direct attempt to attack political rivals and increase Mr Abbott’s electoral prospects in the next election. Since the day it gained the keys to the ministerial wing, the Abbott government has waged a concerted and vicious campaign against Australian workers and the organisations that support them, including the Australian Labor Party—

Senator McKenzie: Why are you sticking up for them?

The DEPUTY PRESIDENT: Order!

Senator URQUHART: The Abbott government has tried to smear its way into another term of government by using $80 million of taxpayers’ money on a thoroughly compromised royal commission. Failing on fundamental tests of competence and economic management, Tony Abbott launched a politically motivated witch hunt to impugn the reputation of the unions and of the Labor Party. Knowing that he would not be able to win the argument on substantive issues of policy and the future direction of this country, Mr Abbott decided to play dirty instead.

Last month we saw evidence of just how conflicted this royal commission is—when we heard that the Royal Commissioner himself, Dyson Heydon, agreed to be the star speaker at a Liberal party function. The invitation clearly showed that funds from the event would be funnelled into the Liberals’ election campaigning. Clearly, any reasonable person would have difficulty believing that a man who has agreed to be a star speaker at a party political event does not have an affinity with that party. Then we had the absurd situation of Mr Heydon ruling on whether Mr Heydon could be perceived by a reasonable person to be biased. Sadly, in his ruling, Mr Heydon ignored the advice—

Senator Brandis: Have you read it?

The DEPUTY PRESIDENT: Order!
Senator URQUHART: that Mr Heydon himself had provided not too long ago in a similar situation. In the case of British American Tobacco Australia Services Limited v Laurie, Mr Heydon wrote:

It is fundamental to the administration of justice that the judge be neutral. It is for this reason that the appearance of departure from neutrality is a ground of disqualification, because the rule is concerned with the appearance of bias and not the actuality. It is the perception of the hypothetical observer that provides the yardstick.

This was great advice from Mr Heydon, but it is a shame that he did not take heed of that advice.

Senator Brandis: Have you read his decision?

Senator URQUHART: But it gets worse. Not only is there a pall over the motivations and political affinities of the royal commissioner himself, but today we have heard a very concerning report about the special treatment given to Prime Minister Abbott's star witness, Kathy Jackson. Let's not forget some of the comments of senior Liberal members about Ms Jackson—Prime Minister Tony Abbott himself said:

Kathy Jackson is speaking up for the right and she deserves a bit of support from the leader of our country.

Christopher Pyne said that Ms Jackson 'will be remembered as a transforming union leader'. Senator Abetz said: 'She did have the courage to blow the whistle and in those circumstances she is to be applauded'. Let's not forget that this is the same Kathy Jackson that the Federal Court has found to have defrauded HSU members of $1.4 billion.

Senator Abetz: Billion?

Senator URQUHART: Million dollars. Last week we knew that Ms Jackson was treated with kid gloves by the commission—a very different experience from that which other unionists received. But today we have heard the appalling extent of her special treatment. Not only did the commission give Ms Jackson an easy ride; she was actually given an extensive briefing on the issues that were to be raised in the hearings. The royal commission's lawyers gave advance warning of its strategies and the issues that would be canvassed. She knew what she would be asked; she knew what she would not be asked; she even received advice that she should use her time on the stand to respond to her critics. These are absolutely damning revelations that go to the very heart of the integrity of the commission.

Labor has been very clear from the outset that we want to see an end to corruption and we want to see strong action on illegal activity. But a politically motivated, morally compromised and mortally tainted royal commission is not the way to do it. Clearly there could be no doubt in the eyes of any reasonable person that Mr Heydon's position is now untenable and the royal commission is nothing but an expensive, taxpayer-funded witch-hunt to the tune of $80 million of taxpayer money. (Time expired)

Question agreed to.

Illicit Drugs

Senator LAMBIE (Tasmania) (15:32): 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 Lambie today relating to policies concerning methamphetamines.
One of the criticisms levelled by supporters of this Abbott government at independent crossbench senators is that we fail to put forward positive suggestions. This, of course, is not true. Those accusations are just part of a clever political campaign to deflect attention from the obvious dysfunction and incompetence of the Abbott-Truss Liberal and National party government.

Today my questions to Senator Abetz were again positive suggestions regarding practical legislative solutions for the problem of ice addiction in our children. My offer to work cooperatively with the government to introduce these new and historic national laws to help and empower parents with ice-addicted children was genuine—because, as most of you in this chamber will know by my disclosures in here and in public, I am personally affected.

Before I turn to the detail of Senator Abetz's reply to my questions, it is important to note that during the 14 months I have been sitting in this Senate, I have put forward and spoken about many positive policy initiatives. And this hung parliament has produced genuine consultation not chaos—as the Murdoch-Liberal cheer squad would have Australia believe. The critics saying that a hung Senate creates chaos are just following the script Mr Murdoch wrote for the conservative party in England. But, as they are about to find out, when it comes to national leadership the Prime Minister is no David Cameron. Like other crossbench senators, in 14 months I have voted for many pieces of government legislation, amounting to billions of dollars which will benefit the best interests of Australia and my state of Tasmania.

On the question of whether this parliament should support legislation which allows non-consensual treatment for ice addicts or not, my community advisers have provided me with one statement which should end any argument against the merits of involuntary medical treatment: between 37 per cent and 61 per cent of amphetamine users end up in our jail system in Australia. Or, in other words, between 37 per cent and 61 per cent of ice users end up in a situation where they are forced into non-consensual detention without a guarantee of proper medical treatment.

So my simple point to those who oppose my legislation—and I acknowledge the possibility of government support—is this. If your loved one who is hooked on ice doesn't die or is not seriously injured or does not seriously harm some innocent on their journey to hell, it is more than likely that the state will take their liberty away from them when they are sentenced to jail. So would it not be better to take our children's liberty away from them at an early part of their self-destructive journey and save all the heartache, harm and expense and guarantee they will receive proper medical treatment?

When the cost of providing proper medical services for our ice-addicted is raised, the predictable question of 'where are you going to get the money for that?' is naturally going to be asked. Despite what Senator Abetz says, it is reasonable to question all government spending, including the cost of the military action in the Middle East.

The Tasmania government recently announced $4.8 million over four years will provide us with 12 rehabilitation beds for Tasmania's north-west ice addicts. I have been informed that the true cost of delivering one bomb in a Middle East airstrike could be up to $5 million. So, in other words, for each bomb dropped in Syria and Iraq by our RAAF our governments could deliver 12 new ice rehab beds. The Parliamentary Library has confirmed that the total number of Australian airstrikes for the latest Middle East war over a 12-month period to August this year is 119, with up to 447 individual bombs being dropped. At a minimum, the true cost of
this military action will be $595 million, and it could be as high as more than $2 billion when you consider the cost of support aircraft, including refuelling tankers, air command aircraft, other support aircraft and aircrew rescue resources. The bottom line is that $595 million would fund 1,428 rehab beds.

The cost of fighting terrorists in the Middle East should be met by the rich countries in the Middle East—Saudi Arabia, for example—who make hundreds of billions of dollars in profits each year through oil, and not by Australian taxpayers, who have better and more urgent things to spend our public money on. Here is a positive suggestion: let's spend our money on rehab beds for Australia's ice addicted children, not on bombs in the Middle East.

Question agreed to.

PERSONAL EXPLANATIONS

Senator BERNARDI (South Australia) (15:37): I seek leave to make a brief personal explanation as I claim to have been misrepresented.

Leave granted.

Senator BERNARDI: I thank the Senate. It is incumbent upon senators to use facts and truth in their contributions to this place. I regret that one of our senators has once again fallen short in this regard, and that was Senator Hanson-Young in question time today. In question time today, she purported to quote me as saying: 'The family of young Aylen, who tragically drowned along with his brother and his mother, are not legitimate refugees, and the European crisis is simply opportunistic migration.' To put it simply, that is not a direct quote from me. It is merely Senator Hanson-Young's distorted view and interpretation of my remarks yesterday. Senator Abetz belled the cat in response to that question.

I add that Senator Hanson-Young and others who have sought to twist and distort very factual remarks by me have only responded with slurs and abuse rather than challenging any of the facts that I have put on the table. At no time did I say that all migration going on in Europe at the moment was opportunistic. I said the challenge for us is to distinguish between opportunistic persons and those in genuine need of humanitarian aid.

It is incumbent upon everyone to speak correctly in this place, rather than trying to score cheap political points. Accuracy is probably more important.

PETITIONS

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

Drought

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

The petition of the undersigned shows that the needs of Australian farmers affected by severe drought must be more efficiently addressed.

Your petitioners ask that the Senate take steps to:

1. Declare the drought affecting northern New South Wales and Queensland to be a National Disaster;
2. Exercise the power vested in it, to prohibit immediately the practice of the Banks of forcing farmers of drought affected properties to vacate their land as no longer a viable business, and then on selling this land;
3. Arrange for a Redevelopment Bank to be set up by the Federal Government to enable the drought-affected farmers to repay their debts;
4. Make provision to rehouse farming families who have already been forced by the Banks to vacate their land.

by Senator Collins (from 110 citizens).

Petition received.

NOTICES

Presentation

Senator Lazarus to move:

That the Senate—

(a) notes the rising cost of electricity for consumers across Australia, and the resultant financial pressures being placed on Australian households and businesses;

(b) acknowledges that the Australian Energy Regulator (AER) is currently negotiating with power network companies to determine electricity pricing for the next 5 years in Queensland and South Australia;

(c) expresses concern at the suggestion that electricity costs may double in Queensland, and rise significantly in other states, in response to attempts by power network companies to exaggerate financing, operating and investment costs at the expense of households, small business, irrigators and industry;

(d) calls on the Government to review the role of the AER in regulating Australian energy markets and networks and the extent to which the AER is promoting outcomes that are in the short- and long-term interests of consumers; and

(e) urges the Government to proactively ensure that the AER has the appropriate resources, authority and charter to negotiate electricity arrangements, which appropriately and fairly take into account the interests of consumers.

Senator Cameron to move:

That there be laid on the table by the Minister for Human Services, no later than noon on 14 September 2015, all documents produced by the office of the Minister for Human Services and the Department of Human Services containing information pertaining to the Centrepay Policy and Terms which came into force on 1 July 2015.

Senator O’Sullivan to move:

That the Senate notes:

(a) the important role that Australian service men and women play in humanitarian, disaster relief, peacekeeping and aid provision throughout our region;

(b) that the Australian military's success on operations is founded in excellence in training and preparation—–a large part of this is regular exercises that test our military's ability to respond to various situations; and

(c) that opposition and intentional disruption of the ongoing training and preparation of our military with exercises that test the crisis-action planning and contingency response capacity of our armed forces, such as Exercise Talisman Sabre and Exercise Hamel, jeopardises the ability of our service men and women to prepare for the challenges they confront in representing our national interests.

Senator Muir to move:

That the Senate notes—

(a) notes that:

(i) 8 September 2015 marked the 8th anniversary of the death of Mr Peter Brock AM, and
(ii) Peter Brock AM:
(A) was made a Member of the Order of Australia in 1980 for his services to motor racing,
(B) also known as 'The King of the Mountain', still holds the record for the most number of Bathurst 1000 wins, amongst other accolades, and
(C) was a strong advocate for road safety as well as motor sport; and
(b) acknowledges this anniversary and the many achievements of Peter Brock AM.

**Senator Lines** to move:

That the Senate notes:
(a) the success of the New South Wales Custodial Notifications Service (CNS) in dramatically reducing Aboriginal deaths in custody in that state;
(b) the delay of the Abbott Government to ensure ongoing funding of the successful CNS, and a lack of progress on implementation of a CNS in Western Australia; and
(c) the commitment given by Western Australia Labor at their recent State Conference to fund and implement a CNS to ensure Aboriginal people who are taken into custody have immediate access to appropriate legal assistance.

**Senators Siewert, Fifield and Polley** to move:

That the Senate—
(a) notes that—
(i) September is Dementia Awareness Month,
(ii) the theme for 2015 is 'Creating a Dementia-Friendly Nation', and
(iii) over 342,800 people and their families are living with dementia; and
(b) urges the Federal, state, territory and local governments to show leadership in encouraging Australians to become dementia-aware, to develop a better understanding of what it is like for a person to live with dementia, and to create communities where people with dementia are supported to live a high quality of life with meaning, purpose and value.

**Senators Smith, McKenzie, Day, Bullock, Lindgren, Reynolds, Fawcett, Back, Edwards, Sinodinos, Ruston, Madigan, Fifield, Bushby, Macdonald, Cash, Cormann, Ronaldson, Williams, Bernardi, Canavan, O'Sullivan and Johnston, Colbeck, Fierravanti Wells, Ryan, Seselja, McGrath, Brandis, Heffernan and Abetz** to move:

That the Senate—
(a) notes:
(i) that 9 September 2015 is the day on which Her Majesty Queen Elizabeth II, Queen of Australia, becomes the longest-reigning Sovereign in history, and
(ii) the vital and enduring role that Her Majesty has played in Australia's remarkable democratic and constitutional stability during the years of her reign; and
(b) extends to Her Majesty its continuing appreciation for the gracious manner in which she continues to fulfil her duties as Queen of Australia, which provides an inspiring example of dedication to service that unites all Australians.

**Senator Rhiannon** to move:

That the Senate—
(a) notes that:
(i) Newcastle City Council recently passed an update to its investment policies that notes the Council's preference for environmentally and socially-responsible investment, and notes reports that this policy will see the Council shift its investments away from coal and fossil fuels,

(ii) the decision has been heavily criticised by the Minister for Industry and Science (Mr Macfarlane), despite warnings from scientists that Australia must act to stave off catastrophic climate change, and

(iii) an opinion poll conducted after the Council's decision found that only one in four Newcastle residents think investing in coal is financially safe; and

(b) congratulates the Newcastle City Council on updating its investment policy and joining councils across New South Wales, such as Lake Macquarie City Council, Willoughby Council, the City of Sydney, Marrickville Council, Leichhardt Council and Lismore City Council, in adopting policies regarding environmentally and socially-responsible investment.

Withdrawal

Senator LEYONHJELM (New South Wales) (15:39): Pursuant to notice of intention given yesterday, I withdraw business of the Senate notice of motion No. 1 standing in my name and Senator Muir's for today, proposing that the Customs (Prohibited Imports) Amendment (Firearms and Firearm Magazines) Regulation 2015 be disallowed.

MOTIONS

Clarke, Mr Michael John

Senator WILLIAMS (New South Wales) (15:40): I, and also on behalf of Senator Moore, move:

That the Senate notes that:

(a) the 43rd Australian Test cricket captain, Mr Michael Clarke, has retired from International cricket;
(b) the position of Australian cricket captain is regarded by many Australians as second only in stature to the office of Prime Minister;
(c) Michael Clarke:

(i) captained Australia in 47 of his 115 test matches, 74 of his 245 one day internationals and 18 of his 34 T20 games,
(ii) is the 4th highest run scorer in Australian test history with 8 643 runs,
(iii) retires with a highest score of 329 not out compiled in 2012,
(iv) led Australia to a 5 nil victory over England in the 2013 14 Ashes series and captained and top-scored in Australia's One Day World Cup victory in March 2015,
(v) amongst many awards during his career, was named as a Wisden Cricketer of the Year in 2010 and Wisden's Leading Cricketer in the World in 2012, and
(vi) displayed outstanding leadership of Australian cricket and in leading the nation's mourning at the tragic passing of fellow Australian player Mr Phillip Hughes in November 2014; and

(d) the Australian Government is providing over $1.4 million to Cricket Australia in 2015-16, principally to encourage increased participation, including the new Sporting Schools initiative.

Question agreed to.

National Asthma Week

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:41): I move:
That the Senate—
(a) notes that:
   (i) National Asthma Week was held from 1 September to 7 September 2015,
   (ii) the theme of National Asthma Week 2015 was 'You Care We Care—One Asthma Community',
   (iii) asthma affects around one in four children, one in seven adolescents and one in ten adults,
   (iv) 2.3 million Australians currently have asthma,
   (v) asthma is the number one cause of hospital admissions amongst young children, and
   (vi) while many in our community lead highly successful lives despite their asthma, asthma continues to be a significant burden for too many, including those who live below the poverty line and for Aboriginal and Torres Strait Islander people; and
(b) congratulates Asthma Australia for its work promoting National Asthma Week and raising community awareness of asthma.

Question agreed to.

**Cummings, Mr James Bartholomew 'Bart', AM**

Senator BACK (Western Australia) (15:41): I, and also on behalf of Senator Lazarus, move:

That the Senate—
(a) notes the significant contribution of Mr Bart Cummings to the Australian racing industry;
(b) recognises Mr Cummings' outstanding achievements, including:
   (i) becoming a Member of the Order of Australia in 1982 as recognition for his services to the racing industry,
   (ii) his induction into the Sport Australia Hall of Fame on 11 December 1991,
   (iii) being awarded a Centennial Medal and carrying the Olympic torch in 2000,
   (iv) being an inaugural inductee into the Australian Racing Hall of Fame, and
   (v) winning an extraordinary number of renowned racing events for his consistent efforts, including but not limited to:
   • 12 Melbourne Cups,
   • 32 Derbys,
   • 24 Oaks,
   • 7 Caulfield Cups,
   • 5 Cox Plates,
   • 4 Golden Slippers,
   • 5 Doncaster Handicaps,
   • 13 Australian Cups,
   • 11 Mackinnon Stakes,
   • 8 Newmarket Handicaps,
   • 5 Caulfield Guineas,
   • 5 Thousand Guineas, and
   • 16 Sires Produce Stakes; and
(c) acknowledges the passing of Mr Cummings and offers its sincerest condolences to his family, friends, industry colleagues and the broader racing community for the loss of such an extraordinary Australian icon.

Question agreed to.

COMMITTEES

Select Committee on the Murray-Darling Basin Plan

Meeting

Senator LEYONHJELM (New South Wales) (15:42): I move:

That the Select Committee on the Murray-Darling Basin Plan be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, from 10 am, as follows:
(a) Thursday, 10 September 2015;
(b) Thursday, 17 September 2015;
(c) Thursday, 15 October 2015;
(d) Thursday, 12 November 2015;
(e) Thursday, 26 November 2015; and
(f) Thursday, 3 December 2015.

Question agreed to.

MOTIONS

Royal Commission on Trade Union Governance and Corruption

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:42): I move:

(1) That the following Address to His Excellency, the Governor General be agreed to:

To His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd)
Governor General of the Commonwealth of Australia and Commander in Chief of the Defence Force

MAY IT PLEASE YOUR EXCELLENCY—

We, the Senate of the Commonwealth of Australia in Parliament assembled, respectfully submit that the Honourable John Dyson Heydon AC QC, whom Your Excellency requested to make inquiry into and report upon the governance arrangements of separate entities established by employee associations or their officers (Royal Commission into Trade Union Governance and Corruption), by his conduct in accepting an invitation to speak at a function raising campaign funds for the Liberal Party of Australia (New South Wales Division) has failed to uphold the standards of impartiality expected of a holder of the office of Royal Commissioner.

Accordingly we respectfully request Your Excellency to revoke the Letters Patent issued to the Honourable John Dyson Heydon AC QC.

(2) That so much of standing order 172 be suspended as would prevent the President transmitting the Address to His Excellency in writing only.

I seek leave to make a short statement of no more than five minutes.

Leave granted.

Senator WONG: I thank the Senate. Labor is moving this motion because the Prime Minister, Mr Abbott, has failed to act, Commissioner Dyson Heydon has failed to act and it is
now up to this Senate to act on legitimate public concerns about the conduct of the Royal Commission into Trade Union Governance and Corruption, and the royal commissioner. Put very simply, it is untenable for a royal commissioner who is conducting a politically charged inquiry to be politically compromised.

Mr Heydon is in this position in the public mind and in the view of this Senate because two branches of the New South Wales division of the Liberal Party asked him to headline a Liberal Party fundraiser. Not only did he accept that invitation; he did so on 10 April 2014, the day after he made his opening remarks at the royal commission and two days after a profile in *The Australian Financial Review* described him as someone Mr Abbott 'thinks is as politically conservative as he is judiciously'.

No-one can have any doubt about the nature of the function Mr Heydon was to headline on 26 August 2015.

The invitation to the event bore the Liberal Party's logo, the names of two Liberal Party branches, advice that all proceeds from this event will be applied to state election campaigning, guidance on electoral disclosure laws, a space for credit card details and Mr Heydon's photograph. Mr Heydon, as the Attorney keeps telling us, is a renowned black letter lawyer. Yet, in ruling on his own fate, Mr Heydon has construed a Liberal Party fundraiser organised by not just one but two branches of the Liberal Party as something other than a Liberal Party fundraiser. In fact, he has decided it was not a Liberal Party event at all. Mr Heydon said: 'The Liberal Party events submission must be rejected.' Forget the logo, forget the host and forget the eulogising of one of the lines of the Liberal Party—Liberal Attorney-General and the Liberal Party's political appointment to the High Court. I suspect that any lawyer putting the argument Commissioner Heydon both proposed to himself and accepted unreservedly would not have got very far in a court presided over by Justice Heydon.

Of course, that is speculation, but do you know what is not speculation? What is not speculation is the way in which most Australians find the facts in this matter. I do not think many Australians find the facts in the way that Mr Heydon finds them. I think most Australians find the facts in this matter compelling and not in a way that flatters Mr Heydon. Australians are fair-minded. They might be prepared to overlook the explanation that he cannot use a computer, he overlooked it, he cannot send or receive an email, he pays no attention to the subject line of emails. But, really, his suggestion that the Barwick lecture was not a Liberal Party event cannot be made out on the facts and his actions contradict his words, because he withdrew from the event belatedly, telling organisers he would be unable to deliver the address if there were any possibility the event could be described as a Liberal Party event. You have to ask yourself: if it was not a Liberal Party event, why did he withdraw?

This inquiry is manifestly political in nature. It is a royal commission hand-picked by the government, which is undertaking a politically charged, a politically biased, inquiry. We saw that today in question time with the revelations about the coaching of a witness by the commission—a witness whom the Prime Minister has previously described as 'heroic'. The Attorney says there was no coaching. Well, have a look at the file note dated 25 July. The commissioner's staff tell Ms Jackson: 'She should think about those transactions before the hearing on Wednesday. She should try and remember some examples of who the cash withdrawals were given to.' If that is not coaching, what is? Do you need any more evidence
that this is a politically biased inquiry? It is unsurprising the Prime Minister's office has been working so hard with the crossbench to try and prevent this motion from getting up. You know this stinks. You know this royal commission is a politically biased witch-hunt and you know that Commissioner Heydon has been compromised by his behaviour and his actions in accepting an invitation to a Liberal Party event, completely unjustifiably. *(Time expired)*

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) *(15:48)*: Mr President, I seek leave to make a short statement of no more than five minutes.

Leave granted.

**Senator BRANDIS**: Mr President, as you know, the purpose of dealing with matters formally is so that they are not debated in the chamber, and the practice of making short statements is to explain the government's or the opposition's position. I am not going to descend into the debate other than to say that the attack on a very illustrious Australian jurist we have just heard from the Leader of the Opposition in the Senate is utterly contemptible.

**Senator Conroy interjecting**—

**The PRESIDENT**: Order! Senator Conroy, Senator Wong was heard in relative silence from the right of the chamber.

**Senator BRANDIS**: For the Senate to pass this resolution it would be a serious violation of basic constitutional principles. It is a fundamental principle of constitutional government that the Governor-General only acts upon the advice of his ministers. The only exception is the extremely rare case where the Governor-General exercises the reserve powers of the Crown. Nobody suggests that this case falls within that exception. By requesting that the Governor-General act contrary to the advice of ministers, the resolution asks the Governor-General to act unconstitutionally. Further, the resolution asks the Governor-General to act on the advice of the Senate, although the House of Representatives has a different view. The Governor-General cannot be asked to favour the view of one house of the parliament in preference to the other.

Finally, the appropriate place for any challenge to the royal commissioner's decision not to disqualify himself is the courts. If the Senate were to pass this resolution, it would be interference with the judicial process and a violation of the separation of powers. On two previous occasions, governors-general have considered this situation: Sir Ronald Munro Ferguson in 1914; and Sir Isaac Isaacs—like Mr Heydon, by the way, a former member of the High Court of Australia—in 1931, when a Senate resolution asked the Governor-General to act at variance from the advice of ministers. This is the way Sir Isaac Isaacs disposed of the matter in 1931:

My plain duty in such circumstances, as it appears to me, acting, not as the representative of His Majesty the King as a constituent part of the Commonwealth Parliament, but as the designated executant of a statutory power created and conferred by the whole Parliament, is simply to adhere to the normal principle of responsible government by following the advice of the Ministers who are constitutionally assigned to me for the time being as my advisers, and who must take the responsibility of that advice. If, as you request me to do, I should reject their advice, supported as it is by the considered opinion of the House of Representatives, and should act upon the equally considered contrary opinion of the Senate, my conduct would, I fear, even on ordinary constitutional grounds,
amount to an open personal preference of one House against the other—in other words, an act of partisanship.

That is the position into which this motion seeks to place His Excellency the Governor-General. Regardless of what one might say about the Royal Commission into Trade Union Governance and Corruption, this is plainly an attempt to use the Senate to achieve an unconstitutional end; an end at variance with constitutional precedent and practice which seeks to embarrass His Excellency the Governor-General by asking him to act at variance with the advice of his ministers.

Senator XENOPHON (South Australia) (15:52): Mr President, I seek leave to make a short statement of no more than one minute.

The PRESIDENT: Is leave granted? There being no objection, leave is granted for one minute.

Senator XENOPHON: I indicate that I do not support the motion because I have reservations about a motion of the parliament purporting to give instructions to the Governor-General. The Governor-General ought to be taking action on the basis of instructions from the executive. But I do have very real concerns about the conduct of Dyson Heydon as royal commissioner. That is a matter for Mr Heydon, given the ruling he has made, but I have very serious concerns—

Senator Conroy: Have you read this morning’s papers?

Senator XENOPHON: Yes, I have read this morning’s papers. I have very serious concerns about the way the royal commission has operated in some respects.

Senator Conroy: Some respects?

Senator XENOPHON: In some respects. I believe that Dyson Heydon continuing in his role will be counterproductive to the good work the royal commission has been doing.

The PRESIDENT: The question is that the motion moved by Senator Wong be agreed to. The Senate divided. [15:58]

(The President—Senator Parry)

Ayes ......................34
Noes ......................34
Majority ...............0

AYES

Bilyk, CL
Bullock, JW
Carr, KJ
Dastyari, S
Gallacher, AM
Hanson-Young, SC
Lambie, J
Lines, S
Ludwig, JW
McAllister, J
McKim, NJ
O'Neil, DM
Polley, H
Rice, J

Brown, CL
Cameron, DN
Conroy, SM
Di Natale, R
Gallagher, KR
Ketter, CR
Lazarus, GP
Ludlam, S
Marshall, GM
McEwen, A (teller)
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Coal Industry

Senator CANAVAN (Queensland) (16:01): I, and also on behalf of Senator O’Sullivan, move:

That the Senate notes—

(a) the ambition of the Indian Prime Minister, Narendra Modi, to bring 24/7 power to some 50 million households – the poorest of the poor – still living without electricity, by 2022;

(b) that India’s Council on Energy, Environment and Water states that to manage its energy system over the next 10 to 15 years it is not a binary choice of coal or no coal, it has to be about cleaner coal combined with nuclear and hydropower;

(c) that a failure to exploit Australia’s thermal coal exports will mean a higher global use of less efficient sources of thermal coal, and consequently higher levels of global carbon emissions;

(d) that Australian thermal coal exports are of the highest quality coal found anywhere in the world, generally reporting an energy content above 5 500 Kcal/kg which compares favourably to Indonesian coal which has an estimated range of between 4 200 and 5 200; and

(e) the importance of the ongoing development of the Australian coal mining industry, particularly in the Galilee Basin which, as the Queensland Minister for State Development, Dr Anthony Lynham, noted ‘We can mine coal in Queensland, where we have the highest mine safety record in the world, we
mine coal with environmental rigour, and we mine coal that's very efficient and economic to burn' and 'If we don't allow this to go ahead, coal is one of the most prolific minerals on Earth; there are many other sources of coal, but none as good as the coal we mine here'.

Question agreed to.

Australian Republic

Senator GALLAGHER (Australian Capital Territory) (16:02): I move:

(a) notes significant support across the Australian community for a transition to an Australian republic with an Australian head of state; and

(b) acknowledges that any steps towards an Australian republic would require widespread community engagement which could include: holding a constitutional convention to discuss potential models for an Australian republic, a plebiscite to gauge support of the Australian population on a change from a constitutional monarchy to an Australian republic with an Australian head of state as well as a preferred model of appointment, and a constitutional referendum to adopt the preferred model for an Australian republic with an Australian head of state.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (16:03): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government does not believe that serious proposals for constitutional change should be prosecuted by general business motions in the houses of parliament. There are established and respected procedures for altering the Constitution, as set out in section 128 of the Constitution. The government does not support this motion, but, given that it has no consequence, we will not delay the Senate further from considering issues more vital to the Australian people.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Abbott Government

The DEPUTY PRESIDENT (16:04): 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 Abbott Government's second anniversary of broken promises, slogans, dysfunction and division."

Is the proposal supported?

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

The DEPUTY PRESIDENT: The proposal is supported. 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 LUDWIG (Queensland) (16:04): I rise to speak on this matter of public importance. The title says it all, quite frankly: 'The Abbott government's second anniversary
of broken promises, slogans, dysfunction and division'. Mr Abbott told SBS News on the eve of the election that there would be no cuts to education, no cuts to health, no change to pensions, no change to the GST and no change to the ABC or SBS. We have come a long way since he made that bold statement. What have we seen? $80 billion cut from health and education, which in turn is supposed to put pressure on the states to raise GST. So that is doing two cuts in one, which in itself would be another broken promise.

There are cuts to pensions and cuts to the ABC and SBS. Mr Abbott also said to the people before the election, 'no new taxes'. After all of that, he then chose to bring in the fuel tax. Not only has Mr Abbott broken all of these promises; he also has so little respect for the people of this country that he continues to deny cuts and broken promises. Mr Abbott shows breathtaking contempt in his ability to stand there and continue to say, 'I didn't say that—or if I did, I didn't mean it'. He does not do the proper thing and say, 'I apologise; I made a mistake; let's move on'. He does not seem to be able to do that.

The best, I think, was the 'stable, mature, adult government' line that we got. Mr Abbott said in his address to the National Press Club shortly before the election:

My aim is to lead a no surprises, no excuses government that says what it means and does what it says.

You have to make a choice here. Either this government is incompetent—that is all we can see it as—or it has intentionally misled the Australian people on this issue. Either way, Australians have been let down by the Abbott government. Mr Abbott went on to say, 'A serious country deserves an adult government.' I am still waiting to see either an adult government or the coalition taking government seriously. 'Elect the coalition and you'll have a grown-up, adult government that thinks before it acts.' Well, knights and dames—need I go on? I am gobsmacked by that in itself. They have to tell people, 'We're going to be an adult government.' They have to tell them they are going to be serious. Quite frankly, they have been anything but. If the display over the past two years is a serious attempt at governing, I would hate to see what this government looks like—all the blame cannot be laid at the feet of those opposite. After all, they are only doing what they are told to do by the PMO, quite frankly. But that is another problem.

It has failed to pass its budgets. The first budget—what a doozy. The government has only passed about half of the measures it announced in its first budget and it is still trying, badly, to talk to the crossbenchers—maybe talk to the opposition—but it seems almost impossible for this government to talk to anybody but itself. When only half of its first budget has passed, how does the government expect to pass the current budget? Does Treasury assume that the budget will be passed? I think the root of their problem—if I could give them a small piece of advice, but I doubt they will listen—is that the government simply cannot deal with the crossbench senators. Its only tactic seems to be, at least from as far back as I am, either to bully or to try to blackmail senators into some sort of position. But they seem completely incapable of having a negotiation, having a proper discourse with both the opposition and the crossbenchers. I think the root of their problem is that they just do not know how to negotiate. They are too busy and have been too used to having a silver spoon in their mouth and
expecting the world to bow to them upon any wish that they have. What they— (Time expired)

Senator REYNOLDS (Western Australia) (16:09): When I first read today's MPI talking about broken promises, slogans, dysfunction and division, I actually thought that the opposition were putting up an MPI about themselves. So I am delighted to talk about the achievements of the first two years of the Abbott government. I am a very proud member of this government and the governance team. Despite what those opposite have said, what we are delivering is good government. A good government is one that delivers in that national interest and takes the tough decisions that are needed. This government has achieved a lot over the first two years. I could not possibly list them all, so I have just gone through—and it did not take me any time at all—and found the first top 50 achievements and decisions of this government. We have not just talked about it, we have not had endless inquiries, we have not deferred things off past the forward estimates, we have not prepared complex programs on the back of a coaster; we have done things properly and we have done a lot in this country.

What did we inherit? I went back and had a quick look at what we inherited and what Labor's idea of a good government is. Labor's idea, clearly, of a good government is record deficits, massive debt, the world's biggest carbon tax, which actually did not work; many more people unemployed; NBN project delays and cost blow-outs; cost of living on the increase; billions of dollars of taxpayer money wasted on pink batts and school halls; grocery watches and fuel choices—the debacles go on and on. Illegal boat arrivals were out of control; they had lost control of our borders. Education standards slipped significantly under Labor, and health services got more expensive. To add insult to injury—to all of that—despite their absolute promise, defence spending was gutted. That is the standard that we heard Senator Ludwig refer to just then. That is what Labor think is good government.

Let me go through a few of the achievements of this government in two very short years. First, on the economy, we abolished the carbon tax, saving Australian families at least $550 a year and taking a yoke off small business and large business, which ultimately creates more jobs. That is No. 1. No. 2: we abolished the minerals resource rent tax, which again, I know from my own state, would have been an absolute disaster. We have conducted a commission of audit, which conducted the most comprehensive review of government spending in a generation to highlight waste and areas of unsustainable spending, which we are now addressing for the first time in history. Those opposite did not do that. We are stopping Labor's proposed bank deposits tax which, again, was regressive, unnecessary and very punitive. No. 5: despite the rhetoric from those opposite, labour force participation is increasing—to the point where we have now created over 335,000 jobs. We have actually created 335,000 jobs, and the participation rate—particularly amongst women, which is fabulous—is increasing. There is more to be done but I reckon that in two years that is good government. Those are a few things on the economy.

What have we done for Australian business and trade in two short years? Unlike those opposite, who did not conclude any free trade agreements, in just over the first 12 months we finalised three free trade agreements with major trading partners covering over 50 per cent of our exports—Korea, Japan and China—and we are currently in negotiation with India for a fourth. That is an enormous achievement. That is what good government looks like: looking towards the economy of the future and where we can create and sustain jobs into the future.
We have cut tax for small business. That is No. 7—I am only up to seven so far of 50. This is a government which has been consistently open for business, delivering the biggest tax cut in history for small business. That is what good government looks like. We have introduced the instant asset write-off for small business, which means that all small businesses can now invest for jobs and for growth for their future. We have introduced the red tape reduction programme with repeal days. So far, what have we done? We have cut $2.45 billion in red tape for business. This has exceeded the red-tape reduction target by nearly half a billion dollars over two years. We have exceeded what our already ambitious targets were two years ago. Most importantly, for jobs in the future, we have granted over $1 trillion worth of major project environmental approvals so that businesses can get on with creating prosperity, future wealth and, critically, jobs. That is only No. 10—and that is only in two years.

What else have we done in infrastructure? We have invested heavily in infrastructure. We have not just talked about it. We have not just made promises about new roads and other major infrastructure. We have invested. We have handed down a $50 billion infrastructure package, which is the single largest infrastructure package in Australia's history. That in itself is good government, and that is amazing progress in two years. What else have we done? We have taken another really tough decision on a second airport for Sydney at Badgerys Creek, something that the previous government was completely incapable of doing. Why? Because it was a bit of a tough decision. At No. 13 of my top 50 achievements of this government is that we are building the roads of the future.

On border protection, we have stopped the boats. Fifty thousand people came here under the previous government. They lost control of the borders. Twelve hundred people died under the Labor and Greens policies which they supported in government. Not a single person has died since we stopped the boats. We have created the Border Force, which is a wonderful improvement for the protection of our country's borders. We are combating home-grown extremism. We are establishing a victims of terrorism compensation scheme. We have reintroduced temporary protection visas. Again, these are just a few of our many achievements in border protection and national security.

What did the previous government do on the environment apart from introducing a carbon tax which, as we have seen, did not even work? We are taking direct action. We are planting trees. We are looking after the environment. We have thousands of people across the country working on the environment.

Senator Carol Brown interjecting—

Senator REYNOLDS: You may laugh, but 'direct action' means just that. We are not just talking about protecting the environment; we are getting out and protecting the environment. Not only are we planting trees and rehabilitating saline farmlands; we are protecting the Great Barrier Reef. We are doing all of that and still cutting carbon emissions by 26 to 28 per cent by 2030. We are not just talking about it; we are doing it.

Our achievements in education are numerous, but the thing I am particularly proud of, as is the foreign minister, is the New Colombo Plan. What have we done in two short years? By the end of 2016 over 10,000 Australian students will have studied in the Asia-Pacific region. That was not done by those who talk about education over on the other side. It was done by this side, by the government.
Defence is something that I am extremely passionate about, particularly as I had to suffer through the broken promises working up at Russell offices when we were promised that there would be no funding cuts. The other side said, 'If you make the Strategic Reform Program reforms, you will get the money back.' Guess what? It was another broken promise by those opposite. The legacy is going to take at least a decade to fix.

The government has conducted the First principles review of Defence, which has universal support and is now being implemented. We have commissioned a white paper, which is the most comprehensive in living memory. It is the first one, unlike those from those opposite, that is fully costed. It will be absolutely fully costed, including the force structure review. Again, this is something those opposite were completely incapable of doing. In my book, that is good government.

We have initiated a competitive evaluation process for Australia's Future Submarine program. We have three potential bidders in the process that is now underway. The previous government did not commission a single vessel in six years. In six years they did not commission a single vessel, which has resulted in the valley of death that we have been talking about. This government has funded it and we are now making it a reality. We have also brought forward—and funded—the Future Frigates program by three years. Those opposite did nothing. We are. We have also brought forward the Pacific patrol boat tenders. We are also starting to remediate the issues caused by those opposite in the air warfare destroyer program to make sure that it can be delivered. We have invested in the joint strike fighter. We have also, wonderfully, reinstated the ADF gap year program.

That is 32 actual delivered achievements of this government. What is No. 33? For regional and northern Australia, we have delivered the White paper on developing northern Australia, which we know will result in a complete transformation of the society, future jobs and growth of our north. We have committed to funding northern Australia through $5 billion of investment in the region. We have implemented a comprehensive drought relief package. We have released the agricultural competitiveness white paper. We have also recommenced the live export of sheep, cattle and goats to Bahrain—(Time expired)

Senator DI NATALE (Victoria—Leader of the Australian Greens) (16:19): I rise to today to speak on the matter of public importance—that is, the long record of the Abbott government's broken promises. There are many of them I could list. For example, there was the slashing of the renewable energy target when this government promised it would leave it alone. There were the cuts to health, with billions of dollars ripped out of our hospital system when the Prime Minister said he would not cut health care. He was on a unity ticket on Gonski funding, and what did we see? The Gonski reforms have been undermined. There were the cuts to the ABC and the SBS. The list goes on and on.

The truth is that it is not just these broken promises that concern me. If I am being really honest with myself, if this government decided that it would not scrap the most important and effective climate change laws anywhere in the country despite its promise to do so, I would welcome it. If it decided to leave the mining tax alone, I would welcome it. For me it is not really the issue of the broken promises, although that is part of it. It is what lies underneath them. What lies underneath is this very cruel, brutal, dog-eat-dog, job-destroying agenda. That is what is at the heart of this government.
There was also an element of cowardice there because, like with all bullies, when it came to showing a bit of mettle in the lead up to the election, the then Leader of the Opposition could not do it. The coalition could not put this agenda out in front of the Australian people for them to make a legitimate choice. They did not have the courage to stand up and say, 'This is what we stand for. We want the Australian public to vote for it.' They did not do that because they know that what they stand for is deeply unpopular with the Australian people.

Some analysts have said they have a communication problem and are unable to communicate their vision. I disagree completely. It is not the issue of communication that is the problem; it is the product itself. You know what they say about communication in advertising: it just helps you realise you have a bad product a little more quickly. That is the issue with this government. When faced with the biggest challenge of our generation—climate change—what is their response? 'Let's abolish these incredibly effective and important laws and let's start paying polluters to pollute.' Even worse, 'Let's destroy the Renewable Energy Target,' which is the vehicle to create jobs and industry in the 21st century Australian economy. When it comes to health, 'Let's dismantle the most effective thing we have in terms of providing health care'—that is, universal health care and Medicare—and let's put in co-payments to make people pay more for their health care. Let's follow the two-tiered US model.' There is income support: 'If you are down on your luck, tough luck. We're going to remove income support from you.' The list goes on and on. We have a budget crisis. What is the response? 'I know: tax cuts. We'll fix the budget by cutting taxes.' Not only is their agenda brutal and cruel, it is fiscally irresponsible. The one decent idea that mob had was paid parental leave and they scrapped it.

So, here we are two years on. I remember the times when we would see members of this government standing up and throwing buckets over the then Labor government with exactly the same sorts of matters of public importance. I feel like I have entered a time machine and we have gone back a couple of years. The truth is that we need to have an adult conversation about the needs of the nation. The needs of the nation require us to make some tough decisions—some tough economic decisions—if we are to achieve a balanced budget over the economic cycle. We do need to tackle the issue of raising revenue. Superannuation tax concessions, multinational tax avoidance and tackling the issue of housing affordability through changes to capital gains tax and negative gearing—those are the sorts of discussions that we need to have in this place. How do we build on the institutions that we already know are working? Health care and education—how do we make them stronger and how do we improve them, rather than: how do we tear them down? Unfortunately, this government has shown that it is just not up to the task. In a few short months, the Australian community will be able to make a choice. They know what this government now stands for and I am sure they will make the right choice. (Time expired)

Senator CAROL BROWN (Tasmania) (16:25): I too rise to make a contribution to the matter of public importance: the Abbott government's second anniversary of broken promises, slogans, dysfunction and division. Before the last federal election in 2013, the Prime Minister said that he wanted to be known as the Prime Minister who keeps commitments. Here we are today and the reality of the coalition's two years in government could not be more stark. That commitment by the Prime Minister is in tatters. From the very start of this federal government, they started to break promises. They broke the promise that they made to
Australian pensioners, they broke the promise that they made to Australian families and they broke the promise that they made to the institutions of the ABC and SBS. They went about breaking nearly every promise that they made to Australians.

Just after the federal election in 2013, I went to a forum that was being presented by Ms Macklin. One of the participants at that forum said, 'I voted for Mr Abbott because he said that he would not cut pensions, and I'm here today because that promise has been broken and I am fearful of what will happen to me.' That is what that Tasmanian said—a Tasmanian who lives in Mr Nikolic's electorate of Bass, who is a member of parliament that did not stand up to the Prime Minister and say, 'Hang on, you said there would be no cuts to pensions. You said that you would not cut pensions, and here we are trying to take money from pensioners who really already struggle to make ends meet.' That is the government that we have here today.

The government is so driven by out-of-date ideology and controlled by vested interests that it has come to stand for nothing but cuts and broken promises. This is a government so focused on itself that it is devoid of any real vision for the nation. The division that now grips Mr Abbott's cabinet and the caucus room has left this government paralysed. It has no legislative agenda and no policy for the future; just a growing list of leadership contenders and, I might add, a growing list of cabinet leakers. Perhaps I should say that there is also a growing dinner card for Mr Murdoch.

Let's see what this government has achieved. We see for the first time in over 20 years more than 800,000 Australians out of work, with unemployment increasing from 5.7 per cent to 6.3 per cent now. You will not hear that in the contributions from those opposite. They do not talk about the 800,000 Australians out of work, they do not talk about the unemployment rate now and they do not talk about the youth unemployment rate. Tasmanian senators in this chamber know that the youth unemployment rate in some parts of Tasmania is over 20 per cent. Shame on those opposite.

They also do not talk about economic growth, which has been below trend in every quarter under this government. You will not hear them talking about that in their contributions here today. Of course, they do not talk about the living pressures on ordinary Australian families. They do not talk about the fact that they want to take away from those families over $6,000—

(Time expired)

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (16:30): For two days in a row now I have had to whip out my driver's licence and have a look at my date of birth, because the opportunity that the Labor Party gave us yesterday and again today looks like a gift! I could not have written this matter of public importance better myself if I had wanted to tailor it around the performance of the Abbott coalition government.

Let me deal with them one at a time. I will start with the broken promises. I will do a little comparative here, using exactly the same words, so there is no confusion. 'There will be no carbon tax under my government': Gillard. 'There will be no carbon tax under my government': Prime Minister Abbott. Go left or right; go whichever way you like: only one of them was telling the truth. Only one of them kept their promise; the other one broke their promise, and that would be your mob—the Labor-Greens coalition. If we want to talk about broken promises, let us talk about the 70-odd occasions that your Treasurer indicated that we
would create a surplus. How many surpluses did we get under Labor? That would be none. So I was delighted when I saw the opportunity to talk about broken promises.

I have a very limited period of time in which to get through this and so much to say, so let me now go to the slogans. I will run through our slogans: 'I'm going to be an infrastructure Prime Minister'—that is a slogan; that was a pearl.

**Senator Reynolds:** How much?

**Senator O'SULLIVAN:** $50 billion, I think, Senator, has been the investment to date—something like seven times the Snowy River scheme. In relation to my home state, I see there are some other senators from Queensland here, and no doubt when they make their contributions today they will acknowledge the coalition government's investment in my state: $6.7 billion on the Bruce Highway. And of course there is our magnificent range crossing, which takes me up to my lovely place at home on those few occasions I get there each month. So I am going to go with that. That is a big green tick on that slogan—we have an infrastructure Prime Minister.

'We are going to arrest the decline in the budget.' That decline would be the structural deficits that were put in place and were going to continue, in the forward estimates under Labor, to take us to nearly three-quarters of a trillion dollars in deficits. We have not heard the word 'trillion' here; we are in the phase between billions and hundreds of billions. We would have had deficits of $0.7 trillion.

'We are going to stop the boats.' That is what we said. It is not about stopping the boats—I love the words of former Prime Minister John Howard: 'We will determine who comes to our nation and on what terms they arrive.' That does not reflect on any part of the policy other than to say, 'We will have secure borders.' Australia is blessed in the world with having some ability—a better ability than most—to manage our borders. They are not particularly porous. As a result, there is a slogan: 'We will stop the boats.'

Another slogan: we said we would restore the live export trade. Think about that. Your mob brought the live animal export trade to a standstill, sending tens of thousands of families in my home state and across northern Australia into bankruptcy, in effect. They have never recovered. Third and fourth generation farming families, grazing families, ended up going to the wall.

I am pleased to see that the Leader of the Opposition in the Senate—obviously she has been watching me on the television—has come down to pick up a few points. I will go steady so that you can take some notes, Senator Wong. You raised the issue of jobs. We said we would create more jobs. Indeed, in just under two years we created 335,000 jobs. That is 335,000 more people in work in this country than was the case when we took office.

I will stay around agriculture, because it is one of my favourite subjects. We have free trade agreements with Japan and Korea and of course the pending free trade agreement with China. I predicted yesterday that the effecting legislation for that agreement will pass through this place when Labor finds a way to roll itself over and look like it has not capitulated. It will create tens and tens of thousands more jobs around this nation. Those opposite want to talk about jobs and the FTA, but it is about two bob's worth of jobs that they think are going to be taken under some anomaly in legislation introduced by the Labor Party during their term.
One of my all-time favourites is the reduction in energy costs for small businesses across the nation and some big industries. It got right into our households and it arrested to a certain extent the decline that was happening in manufacturing under Labor. It has allowed people to get on with their businesses and to get them back into a profitable form, where they employ more people. It is right of Labor to raise the topic of jobs. Historically they were the party for jobs, job seekers and workers. I think it is fast evolving not just that the coalition have the reputation of being good economic managers—and I thank those opposite for raising the opportunity to discuss that—but that we are the party for the workers. We are the ones who are creating jobs and giving people a future, growing wealth and getting their personal circumstances into shape. This was a wonderful opportunity for you to raise these matters.

My final bit is about dysfunction and division; in three words: Rudd, Gillard, Rudd. You want to talk about dysfunction and division? Rudd, Gillard, Rudd—three prime ministers in 20 minutes. The ink was not even dry on the letterheads around there—but fortunately, as a savings measure, you were able to whip out the couple of thousand letterheads that were left, and put the Gillard ones in storage, in case we had another turnaround. And of course you did have one more attempt at that; we all know that. You had more attempts at elections. You had more elections over there than they have at my bowls club.

So I want to thank you. You are not even listening to me, ladies. I am genuine in my appreciation of you for having picked the topics of broken promises, slogans, dysfunction and division. Those were perfect topics for us to talk about the failures of the Labor Party during their six-year term.

Senator LAZARUS (Queensland) (16:38): Unfortunately, I only have five minutes to talk about the MPI today. Tony Abbott has said so many stupid and insulting things and his government has implemented so many bad policies that it is really hard to know where to start. But I will kick off with my home state of Queensland.

Is Queensland better off under the Abbott government? I believe the answer is no. Has the Abbott government done anything positive for Queensland? Again, I believe the answer is no. Do they have any ideas about how to help Queensland moving forward? Sadly, the answer is no. Queensland has one of the highest unemployment rates in the country and is experiencing one of the worst droughts on record, and yet the government has done absolutely nothing—

Senator O’Sullivan interjecting—

The ACTING DEPUTY PRESIDENT: Senator O’Sullivan, you have just had your full eight minutes to make your point. Senator Lazarus has a right to be heard in silence. Thank you.

Senator LAZARUS: Queensland has one of the highest unemployment rates in the country and is experiencing one of the worst droughts on record, and yet the Abbott government has done absolutely nothing to address these issues.

We need infrastructure projects—improved roads, rail and public utilities. We need jobs, growth and economic expansion. We need increased tourism, regional development and consumer and business confidence. We need clean, local, reliable, renewable energy, more investment in clean energy and cuts to power bills.

But, despite this, what has the Abbott government given us? I have jotted down a few things. It has given us: the continued abuse of human rights by deliberately thwarting
marriage equality in Australia; a cut in Australia's carbon emissions reduction target; a cut to Australia's renewable energy target, so that we are now the only country in the world to reduce an RET, and I think that is pretty embarrassing; a spend of $20 million on an advertising campaign to sell its free trade agreement with China, the signing of which allows companies that have a 15 per cent Chinese investor to import 100 per cent overseas workers, undermines Australians' safety and environmental standards and allows companies to sue the Australian government; luxury chopper rides to party fundraisers on the public purse; a dramatic increase in the cost of divorce for women across the country by increasing the cost of Family Court fees from $845 to $1,200; the establishment of a wind farm commissioner—because apparently wind turbines have been known to upset cows in some remote parts of Australia—even though coal seam gas mining is destroying land, farms, water and lives across rural and regional Queensland; cuts to the pension for low and middle income earners without giving them any time to plan or prepare for those cuts; cuts to arts funding by slashing the Australia Council's budget and setting up a 'George Brandis slush fund' for the minister's pet projects; the spending of millions on a widespread advertising campaign to sell their intergenerational report, which is discredited by the celebrity scientist who they paid to sell it; the failure to act on allegations of physical and sexual abuse of asylum seekers on Nauru, despite knowing about it for over a year; threats to sack 1,700 people from research jobs if the Senate did not pass their deregulation bill; multiple attempts to cut funding to the higher education sector and increase the cost of degrees for Australians; the defence of their decision to hold an International Women's Day lunch at a club that only accepts male members; attempts to bully the Human Rights Commission's president into quitting because she questioned the government's treatment of asylum seekers; the bungled tendering process for submarine building in Australia; the awarding of a knighthood to Prince Philip on Australia Day; the abolition of Australia's only National Water Commission, which was responsible for overseeing the management of water across the country; the disbanding of numerous key advisory bodies and councils across the country; cuts to the CSIRO's funding, resulting in mass job losses across the research sector; the statement that coal is good for humanity, made only because they donate large sums of money to the Liberal Party; the scuttling of a proposal from Indigenous leaders for constitutional recognition of first Australians; the gouging of millions of dollars from programs for first Australians across this country; and the statement, as to first Australians, that living in a remote community is 'a lifestyle choice!'

I could go on, but I have run out of time. What has the Abbott government done for Queensland and Australia? Absolutely nothing. All I can say is: bring on the next election. Queensland needs change.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (16:43): As Senator Lazarus so rightly put it, where do you start? When the Abbott government was elected two years ago, we were told: 'The adults are back in charge.' Well, this government has just turned two, and it sure is acting its age! I should know this, Mr Acting Deputy President, because, as you know, I spent over a decade in the early childhood area, and I have seen temper tantrums and I have seen tears and I have seen all sorts of spoilt little activities there. And can I say: those on that side just embody two-year-old temper tantrums.
What we have seen in two years is a catalogue of dysfunction and division, broken promises and excuses, and absolutely no sense of confidence that this government knows what direction it is heading in. The last two years have clearly demonstrated that this government had a plan for getting into government—we all know that—but they had no plan for governing once they got there, and they still do not.

The Prime Minister, Mr Abbott, has shown that he is big on three-word slogans, yet very short on any of the ‘real solutions’ his party promised. We all remember that famous pledge in an SBS television interview the day before the election when he said there would be:

No cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS.

That was the biggest 10-second fib we have ever heard. Following the election, Mr Abbott set about breaking every single one off those promises.

The litany of broken promises from this Prime Minister, and this government, belies something else that Mr Abbott said before the election. He promised a 'no surprises, no excuses government' because 'you are sick of nasty surprises and lame excuses'. What has transpired over the last two years has led the Australian people to seriously question the honesty of the man who occupies the prime ministership and the ministers who support him.

Let's have a look at some of the other promises that were made and compare them to what has transpired over the last two years of this shambolic government. In a speech to the Committee for Economic Development of Australia in February 2013, then opposition leader Tony Abbott said that following a change of government there would be an instantaneous adrenalin charge in our community. Yet, under this government, annual growth has been trending downwards and is now at a paltry two per cent. Prior to the election, the Liberals promised that they would create one million jobs in five years and two million jobs in 10 years. What has happened? Unemployment is now at a 13-year high of 6.3 per cent and, for the first time in over two decades, more than 800,000 Australians are unemployed. This is not surprising when Mr Abbott and his ministers have been doing everything they can to drive automotive and shipbuilding jobs offshore.

In regard to taxation, Mr Abbott said before the election that:

Taxes will always be lower under a Coalition government.

In March 2012 he said:

What you'll get under us are tax cuts with no new taxes.

After coming to government, they have introduced 17 new or increased taxes and charges, including an increase in petrol taxes and a GP tax, which parliament would not pass, being brought in via the back door. And now government ministers are hinting at increases to the GST despite unequivocally ruling it out before the last election. Australia's tax-to-GDP ratio is 22.3 percent—higher than it ever was under the former Labor government—and the budget papers show it is expected to rise every year over the forward estimates.

Despite the Abbott government's tax grab, they have still made savage cuts to essential public services. The government's first budget included $80 billion in cuts to health and education—$57 billion was cut by tearing up Labor's health and hospitals agreements with the states. Their plan to plug the hole left by their cuts to universities is to charge students $100,000 to get a degree.
As a member of the Senate Select Committee on the National Broadband Network, I cannot stand up here today and let the Abbott government's record on the NBN go without comment. I have been over this in more detail in recent speeches, but I will just say that the government promised their NBN would be fast, affordable and sooner. Instead, the rollout of the NBN has slowed to a crawl, the cost has blown out to almost double at $56 billion and most Australians will get a network that can barely cope with the speeds many are demanding now let alone the speeds they will demand in 10 or 20 years time. While Mr Turnbull promised that the NBN would reach every Australian home by 2016, the government's second-rate network will not even reach half of all premises by mid-2017. (Time expired)

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:48): I am grateful for the opportunity to rise directly after Senator Bilyk because her contribution highlighted the very political nature of this MPI and the fact that so many things in Australia that are important, whether that be health, defence or other things, are completely reduced to slogans by the opposition with, importantly, a complete lack of facts.

Let me take a couple of things that were just mentioned. There was a claim that the Abbott government had done all it could to drive shipbuilding offshore. The Australian people known by now, because it has been in the media so much, that the reason we are facing the valley of death is that the Labor Party in six years of government signed no contracts to start building ships. Senator Gallacher interjecting—

Senator FAWCETT: Senator Gallacher, a colleague from South Australia who I have great respect for, sighs at that, but he needs to own up to the fact that his side of politics made no commitments for new shipbuilding jobs. They have even come out with the farcical excuse that the reason they did not need to sign any contracts was that shipyards were working at capacity under Labor. Well, guess who commissioned those projects? They were commissioned by the Howard government. Defence has consistently said that, to avoid the valley of death, decisions would have had to be made in the 2011-12 time frame. That was under the Labor government. Since it is only a month since this government made an announcement of $89 billion for naval shipbuilding programs—including bringing forward the offshore patrol vessels and future frigates to have a continuous build, which is something that people have been calling for in this country for well over a decade—you can see that those claims are purely political and not based on any fact.

The second claim that was made just then in that contribution was that the Abbott government cut funding to health. That has been a line that has been run by the Labor Party ever since the election. But, if you look at the facts—and I bring here facts from South Australia, which is my state—you will see that in 2013-14 hospital services funding was $983.3 million and public health funding was $23.1 million. So there was a total of just over $1 billion coming from the federal government. In the 2014-15 budget there was $1.053 million for hospital services and $24.3 million for public health—so a total of $1.07 billion. The figure for 2017-18 in the forward estimates is $2.188 billion. So the facts completely undermine the political argument the ALP are running with these claims that they are making.

The Australian public know that a number of the promises made by this government have been delivered and delivered effectively. We need look no further than to things such as abolishing the carbon tax. Not only did we say that we would abolish the carbon tax, but we
said we would have a scheme to reduce emissions that would be more effective. When we look at the first of the emissions reduction fund auctions, we see that 47 million tonnes of abatement were achieved at an average price of around $13.95. Let's compare that with the carbon tax: at most, modelling shows it helped reduce emissions by less than 12 million tonnes, but it cost $15.4 billion. That means it is around $1300 per tonne in effect—some 93 times more expensive. It also had an impact not only on households—calculated at just over $550 on average per household—but also, and importantly, on the viability of our manufacturing industry, which goes to the heart of job opportunities for young Australians, and particularly those in a state like South Australia. Not only has this government followed through with its promise to get rid of the carbon tax, but it has made good on its commitment to put in place a scheme that will provide more emissions abatement at a better price without those negative impacts on the economy.

We have also seen the promise of getting control over our borders. That has had the benefits of stopping the people smuggling business and of preventing people drowning at sea. Yes, there are the cost savings, but there is also the human element. One of the things that people constantly talk to me about when it comes to border protection is: 'We don't like the thought of children being in detention.' Can I tell you that, when the Howard government left office, there were no children in detention, but under the policies of the ALP, which threw open our borders, there were over 1900 children in detention in July 2013. Within a year and a half of this government coming to office and putting in place our border protection policies, not only have we regained control of the borders and broken the people smuggling model, but we have reduced the number of children in detention down to the low hundreds. That is a fantastic outcome from a humanitarian perspective.

For those people who say that this government has made promises and has been chaotic, I ask them to look at some of the signature policies. The last area I will talk about is Defence. The Secretary of Defence made the comment that under the last government, not only did the goal posts move, but they were torn down and burnt—used for firewood—because of the budgetary damage done to the Defence department. This government has put us back on a track to achieving two per cent over the decade. We have started to stabilise the management of Defence with the First Principles Review; we have made the commitment I talked about before for sustainable shipbuilding. On those issues that are important to Australians—the economy, national defence and things like the environment—this government has followed through with its promises and good management to achieve real outcomes that impact Australians.

**Senator LINES** (Western Australia) (16:55): I rise to speak on this matter of public importance before us today on the Abbott government's second anniversary of broken promises, slogans, dysfunction and division. I want to start with some of the slogans—not all of them, because there are enough of them to fill a book. Remember 'We are on a unity ticket with Gonski'? Who could forget that before the election? 'It doesn't matter who you vote for, we are on this unity ticket on Gonski.' Well, that all fell apart. What about the classic, 'Coal is good for humanity'? Where did that get us? Absolutely nowhere. What about that other classic, 'People have a right to be bigots'? Where has that got us? There was a complete backdown, as there should have been, on those outrageous changes to the Racial Discrimination Act. What about the promises, and indeed the signs and all the commitments,
that subs would be built in South Australia? Remember that? They tried to deny it, but we all heard it and we saw the signs—the truth was out there.

What about that absolute insult to people, who find themselves unemployed, and particularly young people in Mandurah—14.6 per cent is the unemployment rate in the seat of Canning. They do nothing about it and in fact they insult people by coming up with titles like 'lifters and leaners'. Remember 'lifters and leaners'? It is not only Labor that is saying that. Lenore Taylor just a few days ago had a classic in *The Guardian*:

Two years in and the Abbott government remains a clamour of battle slogans in search of a policy purpose.

Everyone says that this government is absolutely incapable of good government and good policy and that it is living in some parallel universe.

All this from the Prime Minister, the bloke who in January knighted Prince Philip. For many Australians that was the end of it; it made us an absolute joke. What about climate change? Under Labor Australia was the world leader in the area of climate change, but now we are an embarrassment. We are chugging along at the bottom of the pile and so much so that President Obama tells us what an embarrassment we are. There is still no science around Direct Action—no scientist has come out to say, 'Good on you, Abbott government, what a great policy.' Why? Because it is just a joke.

What did we see in February? We saw that bungled attempt at changing the prime minister—we will have this kind of leadership battle where many of his ministers and some of the backbench desert him—but somehow he survived and what did he promise? He promised good government. We are still waiting. Two years in, and we are still waiting on good government. The only thing the Prime Minister really cares about is his own job. We saw all those rumours come out of cabinet last week. We saw all those lines coming out of cabinet: 'What we've gotta say, folks, is we're all on message. We're all singing *Kombaya* and we all have to say what a good government we are.' Fancy somebody writing lines saying: 'Just tell people we're a good government.' Good governments have actions and words, but we have seen none of that from the Abbott government. We certainly have not seen any action.

What about working people? We have seen an unprecedented attack on working people in this country—whether it is their trade unions or their rates of pay. We have seen those opposite clamour to say penalty rates should somehow be taken away. Penalty rates make up 30 per cent of the take-home pay of workers. What do those opposite say? 'Get rid of them.'

They are about reducing the pay of workers by 30 per cent without a blink of their eyes. They think it is a fair thing to take penalty rates off aged-care workers, off hospitality workers, and off cleaners who clean this building late at night or early in the morning. They think it is fair to say to them, 'We are going to take 30 per cent of your pay'.

Well, Australians are no longer fooled, and the big test before us right now is the Canning by-election. ChaFTA is running hot there. They know it and so do we, because every day in this place we have these ridiculous Dorothy Dixer questions about how good it is. The people of Canning are concerned about their jobs, and that is the truth. If those opposite bothered to get out there, if they bothered to drive south of the river, they would hear that for themselves on the doorsteps of voters in Canning. The facade of the Abbott government is well and truly over; people know that it is nothing but a bad government.
Senator GALLAGHER (Australian Capital Territory) (17:00): I welcome the opportunity to speak briefly on this MPI today. One thing that we do know after two years of the Abbott government is that, no matter what area you look at across public administration or national affairs, the Abbott government has either created turbulence or systematically gone out to have fights. This is in almost every single area when you look across the board—whether it be attacking pensioners or people on disability pensions; whether it is attacking their own public servants through outrageous wage offers and cuts to conditions; whether it is attacks on women who are accessing paid parental leave; whether it is looking at what they said prior to the election and what they actually delivered after the election.

In almost every area you go to, you can see what they said before the election and then Tony Abbott's own words: 'Measure us by what we do.' The people of Australia are measuring you by the actions you take—actions like saying one thing before an election, then getting in and fragmenting the social compact that exists across Australia, and actions like creating fights and instability in almost every area of public administration.

Look at health; look at industrial relations; look at the ABC and SBS; look at education—look at all of these important areas. Before the election they said: 'There will be no cuts. There will be no changes. We are on a unity ticket'. Then, after the election, in the first budget—who will forget the 2014-15 budget?—no-one was left untouched by that budget. That was when the cuts came, and that is when the true colours of this government were displayed in hundreds of papers, and they cannot avoid that now. They tried to cover up a bit of it in 2015-16 budget, but the damage was done.

If we look at the area of science, there is a classic quote from Tony Abbott: I’m pleased to pledge the incoming Government to continue to support science to the fullest extent possible.

... … … …

... I’d say to all of you, please, judge us by our performance.

Well, let's have a look: $115 million cut from CSIRO; $300 million from the Sustainable Research Excellence fund; $75 million from the ARC; $107 million from the CRC; $28 million cut from ANSTO; $16 million from Geoscience Australia; $120 million from Defence Science and Technology Organisation; 1,400 jobs gone from CSIRO, and 200 more to come because NICTA, which has also been defunded, is forced to merge with CSIRO just to continue its very existence.

Canberra is the jurisdiction that I have the privilege of serving and have served for many years at a local level. We always see Senator Seselja's mug on TV here, smiling happily behind Tony Abbott when he does his press here in Canberra. So let's have a look at what Canberra can be proud of: 8,000 job cuts, constant attacks on the integrity of the public service, cuts to health, cuts to education, cuts to community organisations and too many others for me to name in the next one minute and 30 seconds.

There has been $26 million taken from the University of Canberra to establish a centre for quality teaching to actually learn and understand exactly the benefits of needs-based education funding. That is just gone—awarded under one government, cut-up under the next—but not before a recruitment exercise had started. There have been cuts to all of the national institutions. They have all been cut—a bit of a saving here, a bit of a saving there.
Let's look at the Tony Abbott propaganda document that was released yesterday, 'Sticking to our plan'—and didn't everyone look happy about that in question time today? On the infrastructure page it tells us about all the infrastructure that has been delivered. When we look at the summary of major infrastructure, all of the states and all of the territories are there—except the ACT. And there was Senator Seselja, smiling and nodding behind Tony Abbott as they released this document yesterday, but there was not one cent for the ACT outlined in this document.

Yet the ribbon-cutting continues. We have seen Senator Seselja snip the Majura Parkway, the Bowen underpass and even hospital beds in the cancer centre. It was all funded under a federal Labor government and has not one thing to do with the Liberal Party, and yet there he is, cutting the ribbon, getting his mug on TV and taking credit. All this is happening at the same time that Canberra is being savaged by this government—without any advocacy from the government side of the chamber to stand up for Canberra and the proud city that we are—and he should be ashamed.

**DOCUMENTS**

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:

Economics References Committee—Report—Corporate tax avoidance—Part 1: You cannot tax what you cannot see—Corrigendum. Motion to take note of document moved by Senator Canavan. Debate adjourned till the next day of sitting, Senator Canavan in continuation.

Environment and Communications References Committee—Regulation of the fin-fish aquaculture industry in Tasmania—Report. Motion to take note of report moved by the chair of the committee (Senator Urquhart). On the motion of Senator Canavan the debate was adjourned till the next day of sitting.

Economics References Committee—Future of Australia's naval shipbuilding industry—Interim report. Motion to take note of report moved by Senator Canavan. Debate adjourned till the next day of sitting, Senator Canavan in continuation.

Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—Select Committee—Taking responsibility: conditions and circumstances at Australia's regional processing centre in Nauru—Report. Motion to take note of report moved by Senator Gallacher and debated. Debate adjourned till the next day of sitting, Senator Macdonald in continuation.

Intelligence and Security—Joint Statutory Committee—Australian Citizenship Amendment (Allegiance to Australia) Bill 2015—Advisory report. Motion to take note of report moved by Senator Fawcett. On the motion of Senator Canavan the debate was adjourned till the next day of sitting.

Economics References Committee—Report—Privatisation of state and territory assets and new infrastructure—Government response. Motion to take note of document moved by Senator Canavan. Debate adjourned till the next day of sitting, Senator Canavan in continuation.

**COMMITTEES**

**Select Committee on the Regional Processing Centre in Nauru**

**Corrigenda to Report**

Senator REYNOLDS (Western Australia) (17:06): I present a corrigendum to the dissenting reporting by coalition senators to the report of the Select Committee on the Recent
Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru.

Ordered that the document be printed.

**Report**

Senator CANAVAN (Queensland) (17:06): Pursuant to the order at the request of the chairs of the respective committees, I present reports on the examination of annual reports tabled by 30 April 2015.

Ordered that the reports be printed.

**Select Committee on the Regional Processing Centre in Nauru**

**Report**

Senator GALLACHER (South Australia) (17:07): by leave—I move:

That the Senate take note of the report.

The report entitled *Taking responsibility: conditions and circumstances at Australia's regional processing centre in Nauru* was tabled on 31 August 2015. The committee was established because evidence uncovered in the Moss review, whilst important, was not complete, and the situation at the regional processing centre in Nauru required further scrutiny.

The inquiry received new evidence about the conditions and circumstances in the RPC and provided an avenue for allegations to be raised. The committee received 101 submissions and accepted a certain amount of information on a confidential basis to protect the privacy of individuals. The committee held four public hearings in Canberra. The committee heard that more than $1.3 million is spent each day on running the RPC. That is $613,900 per asylum seeker in a 10-month period, or over $2,000 per asylum seeker per day—an extraordinary expenditure of public money.

The committee made 15 recommendations, including that Australia provide support to the government of Nauru to process refugee status determinations more quickly. The committee heard that the average duration of the time an asylum seeker will spend in the RPC is 402 days—in a marquee or a tent, depending on whose opinion you take. But, either way, in a climate akin to Darwin's, 402 days in a mouldy marquee or tent at a cost of $2,000 per day is an extremely bad spend of money, from any angle. So we have asked for more transparent accounting.

The committee is concerned that spending on large projects in Nauru is not undergoing the scrutiny of the Public Works Committee. Then minister Morrison and current minister Dutton have not complied with the basic transparency and accountabilities under the Public Works Act in the expenditure of money in Nauru. Hundreds of millions of dollars have not been subject to the probity and scrutiny of the federal parliament. So the committee also suggests in its report that the Department of Immigration and Border Protection should provide full and disaggregated accounts in its portfolio budget statements and clarify whether public money spent on Nauru is assistance to a foreign government or not. Under questioning, they said, 'We have taken legal advice that we can do this because it's assistance to a foreign government.' That is very shoddy transparency and probity.
We also suggest that there be an early and open move to an expansion of the open centre model, with a view to lower-security living arrangements. We have over 800 guards in Nauru, more than the number of asylum seekers there. Money saved through this measure should be invested in providing more-humane living arrangements.

With regard to alcohol and drug testing of contracted service provider staff, the committee heard that drug testing cannot be undertaken due to the lack of a laboratory. The committee found this to be a poor argument for compromising the safety of asylum seekers and workers in the RPC. If a drug and alcohol policy can work in a regional and remote mine, I am sure it can work on Nauru.

The committee further recommended that the Australian government continue its commitment to remove children from the regional processing centres wherever possible; that there be a public commitment by the Australian government about the medium- to long-term plan for the RPC, including how education will be provided to children; that a dedicated and experienced non-government organisation be contracted directly by the Department of Immigration and Border Protection to provide welfare services; and that there be a strengthening of accountability through a full audit of all allegations of sexual abuse, child abuse and other criminal conduct, to be undertaken by the Department of Immigration and Border Protection in conjunction with the Federal Police.

The committee recommended greater access to the regional processing centre by the Australian Human Rights Commission and the media. A media organisation has to put up $8,000, which is non-refundable, for the opportunity to visit that place and report on it. That is not a very transparent or satisfactory arrangement.

The committee recommended that there be greater involvement of the Immigration Ombudsman, and that there be a report to the Australian parliament by the Minister for Immigration and Border Protection by the end of December 2015, and every six months after that, that sets out all allegations of a criminal nature concerning the regional processing centre and the department's response to them.

The committee is not satisfied that there is sufficient accountability and transparency, and recommends that the examination of these matters be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 31 December 2016, including conditions for asylum seekers, accountability mechanisms and whether the contracts deliver value for money.

That is a short summation of the recommendations and the work of the committee. I really sincerely encourage all senators to read the full report—the majority report, the dissenting report by the coalition and the additional comments by the Greens. This committee faced a very difficult challenge, with a lot of submissions and a lot of contestability about the evidence.

I want to go on record here and quote from the dissenting report by the coalition senators:
The Government Senators require to place the context and conduct of the Committee on the record. It is their view the process and principles of due process and procedural fairness have not been adhered to as a result of the majority members of the committee being willing to accept untested and unsubstantiated submissions as fact.
Mr Acting Deputy President Sterle, nothing could be further from the truth—or that as the chair of that committee I have accepted unsubstantiated matters as fact. Nothing could be further from the truth. If, by weight of evidence, we had discovered that the regional processing centres were operating well and were operating safely—free of the influence of drugs and alcohol and free of allegations of sexual and physical abuse—then that is what the report would have said. It would have drawn from the evidence. So I reject absolutely the contribution from the government senators that we somehow took unsubstantiated evidence, made it a fact and then produced a report. In fact, that is just totally anathema to me personally. I take it as a personal affront to me and to my professionalism as a senator for South Australia. I do not and will not resile from the fact that evidence is evidence. I do not care if the report is critical of a Labor government. It is critical of this incumbent government, and it is drawn from fact and evidence.

I will single out Senator Reynolds because of her conduct throughout the inquiry. It was totally partisan, totally political and less than objective conduct. I will single her out. I think it was Peter Costello who said, 'There is a thing called a woodchuck'—I did not know what a woodchuck was—which is a politician who will say and do anything for promotion. I will single out Senator Reynolds on that basis. You could not sit through these hearings and read these submissions and not be affected by them. They were really disturbing submissions. The evidence we got was grave. The findings we make are severe, and they should be acted upon. For someone to try and tart that all up as a couple of Labor Party senators having a go at the government is totally false and wrong. She ought to come into this Senate and own up to the fact that she has taken a party political stance on a very, very important issue and a matter of great substance to this parliament. You listen to the evidence. People came. The department hand to be written to to answer the questions in a more fulsome manner, and they did. One of the major contractors deliberately did not come back in to correct the evidence for a month. For a month they sat on the lies that they had told the hearing. For a senator to put her name to a dissenting report and say that we on this side have made it all up is really heinous. To have this attack on the committee is something that I will not forget.

The secretariat did an absolutely brilliant job of getting all of the best advice it possibly could, including from the clerk of committees, the Clerk of the Senate, the Australian Federal Police and the Commonwealth Department of Public Prosecutions. We sought to get the best and most professional advice possible and to act in the most professional way possible. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Law Enforcement Committee: Joint Report

Senator SINGH (Tasmania) (17:18): On behalf of the Parliamentary Joint Committee on Law Enforcement, I present a report of the committee on financial related crime, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator SINGH: I move:

That the Senate take note of the report.
I would firstly like to thank the committee’s secretariat for the work done throughout the inquiry into financial related crime. This inquiry commenced on 5 March last year, but its terms of reference were particularly focused on current Commonwealth law enforcement agency legislation and administrative arrangements that target serious and organised financial related crime, including money laundering and identity fraud. The report has 14 really good recommendations that I am hoping the government will act upon. The recommendations go to issues ranging from internet scams and identity fraud to money laundering and counterfeiting. As we all know, as technology quickly evolves scammers and fraudsters are sadly finding new ways to exploit vulnerable Australians. So we need to constantly ensure in this place that our regulations, our law enforcement and our education methods are contemporary enough to help protect Australian consumers.

I note that the report refers to ABS research which estimates that some 750,000 Australians were victims of identity fraud or identity theft in 2101-11. That is an average personal cost of more than $4,000. But one particular aspect of this report—and there are a couple of recommendations that relate to it—that I would like to draw to the attention of the Senate is financial crime against Indigenous communities. The committee received evidence with respect to the targeting of Indigenous communities by overseas criminal groups, which indicated that increasingly sophisticated groups are targeting Indigenous Australians and committing significant financial crimes. We travelled to Darwin, where we spoke to a range of stakeholders, in particular the Northern Territory Police Force representatives from the former National Indigenous Intelligence Task Force and the Northern Australian Aboriginal Justice Agency, NAAJA, as well as other community members, about the risks Indigenous communities face with respect to financial related crime. So, in that vein, the committee has made two recommendations that I want to highlight today. The first recommendation is that the Commonwealth fund targeted financial literacy education programs for Indigenous communities in Indigenous languages, in particular, and that these programs should be specific to local community circumstances and be delivered in a culturally appropriate manner.

I think that is a really important recommendation that, if implemented, will help stop the tide of this assault on a number of Indigenous communities by these fraudsters, these predators, that are preying on vulnerable Australians. In our report we talk about appropriately translated materials that are delivered in a culturally accessible manner, and we hope that that assists the wellbeing of Indigenous Australians. We need government funding across a range of portfolios to make this work, to support these committees and these organisations.

The second recommendation in this vein is that the government implement the recommendations of the National Indigenous Intelligence Task Force report relating to the prevention of financial crime and to improved governance in Indigenous organisations. I highlight those two recommendations in particular for action by the government—as well as the other 12 recommendations, which are just as important. I did want to highlight this attack on Indigenous communities by these predators who are just preying on the fact that certain disadvantaged groups can be duped by their cunning ways and then find themselves in a terrible financial situation, having been victims of these financial criminals.
Identity crime is of great concern to many Australian's, and the committee also heard from numerous submitters about identity crime and the increasing incidence of identity crime in Australia. It does take many forms, including using a fabricated or stolen identity to commit offences. These are, again, just predators stealing people's identity. Again we make recommendations in relation to that as well. This is a really important report for consumers, for our country, for disadvantaged Australians. As I said, that technology is changing all the time and so with the change in technology our legislation and our regulations need to change to keep pace. That is especially the case in the financial sector and the financial-related crimes sector.

Finally, on behalf of the committee I thank all the submitters and the witnesses to the inquiry, and I thank my colleagues in both chambers—this is a joint standing committee—for their ongoing support and interest in this area. As the report outlines, these are complex matters but the committee has found a pathway to sensible recommendations and, if implemented, they will benefit all Australians I commend the report to the Senate and seek leave to continue my remarks later.

Leave granted; debate adjourned.

Intelligence and Security Committee: Joint Report

Senator CANAVAN (Queensland) (17:26): I present the report of the Parliamentary Joint Committee on Intelligence and Security on the Review of administration and expenditure No. 13 (2013-2014)—Australian intelligence agencies. I move:

That the Senate take note of the report.

On behalf of Senator Bushby, I wish to make these comments about this report. This report fulfils one of the committee's key statutory oversight responsibilities. The Intelligence Services Act requires the committee to undertake a review of the administration and expenditure of the six Australian intelligence agencies on an annual basis.

This review addressed the 2013-14 financial year. The committee received comprehensive submissions and conducted private hearings with each intelligence agency and the Inspector-General of Intelligence and Security.

I am pleased to report that the committee concluded that agencies are currently overseeing their administration and expenditure appropriately.

For a number of years now, the committee has monitored the impact of the efficiency dividend and other savings measures on agencies. In this review, the committee sought assurances that each agency continues to have the necessary resources to address Australia's national security priorities.

While outside the review period, recent increases to the ongoing funding of intelligence agencies, and the Office of National Assessment's exemption from the efficiency dividend, help allay the committee's concerns that agencies are at the point of being unable to find further efficiencies without affecting ongoing capability or operations.

The committee will monitor the effect of these funding decisions in its future reviews.

I commend the report to the Senate, and I seek leave to continue my remarks later.

Leave granted, debate adjourned.
Senator SMITH (Western Australia) (17:28): On behalf of the Parliamentary Standing Committee on Public Works, I present the committee's report No. 7 of 2015, which deals with three projects referred to the committee in June. I move:

That the Senate take note of the report.

The first project is for the Department of Defence and concerns redeveloping Campbell Barracks at Swanbourne in my home state of Western Australia. Since 1964 this site has been home to the Special Air Service Regiment. Since that time, the regiment's role has expanded and it has doubled in size. Much of the infrastructure and engineering services also date back to the 1960s. Existing facilities are inadequate for SASR needs.

By building new facilities and reusing existing facilities where possible, the works aim to address a number of deficiencies. These include problems associated with ageing and obsolete working accommodation, a less than optimal layout, inadequate storage and poor infrastructure. The estimated cost of the project is $223.6 million.

The committee received a briefing from Defence and conducted a site inspection and hearings on 6 August. During the inspection, the committee saw the ageing infrastructure. The committee noted how the current layout makes achieving operational efficiency very challenging.

The committee is convinced that Campbell Barracks requires significant redevelopment so that it can continue to support effective and efficient operation of the Special Air Service Regiment. The committee is satisfied that the project has merit in terms of need, scope and cost and recommends that it proceed.

In recommending that the project proceed, the committee is mindful of matters raised by local residents and others, particularly the suggestion that a proposed Defence Housing Australia redevelopment at an adjacent site could compromise the security of the barracks and its personnel.

The committee understands that Defence has conducted a security review of Campbell Barracks and has taken the initiative and requested a private briefing on the outcomes of the review. The committee trusts that, informed by the review, Defence will be able to manage any security issues as they arise.

The second project I report on today is also for the Department of Defence. The REDFIN Phase 1B will provide the facilities needed to support a new fleet of special operations vehicles. It will also upgrade Defence's long range patrol radio system to support special operations. Where possible, Defence intends to reuse and upgrade existing facilities. The project is expected to cost $50.5 million.

The special operation vehicles are currently housed in temporary hangars. The works will deliver permanent and secure vehicle storage hangars, hard stand areas, inspection ramps and fuel storage facilities. These facilities will be constructed at Holsworthy in Sydney and Campbell Barracks in Perth.
Fixed control stations for the long range patrol radio system will be delivered in four separate locations: at Holsworthy, Campbell Barracks, Lavarack Barracks in Townsville and at the Defence facility at Howard Spring in Darwin.

The committee received a briefing from Defence and site inspection on 6 August, with a hearing the following day. At the public hearing, the Department of Defence stated its intention to award construction contracts to local small and medium businesses where possible.

The committee is satisfied that the project has merit in terms of need, scope and cost and recommends that it proceed.

The final project is for Airservices Australia. It concerns modernisation works to the air traffic services centre at Perth Airport. The project is expected to cost $23 million.

Air traffic management systems used by both Airservices and Defence require replacement. The two agencies have partnered to develop OneSKY, a single civil/military air traffic management system.

To support the introduction of the OneSKY system, Airservices need to upgrade the mechanical and electrical infrastructure at the Perth air traffic services centre. The current building, which has been in operation for 33 years, also needs to be refurbished and security improved. It is expected that these works will extend the life of the building for a further 20 years.

The committee received a briefing from Airservices and conducted a site inspection and hearings on 7 August. During the inspection the committee saw the ageing infrastructure that needs replacing and the crowded working conditions in the control room.

The committee is satisfied that the project has merit in terms of need, scope and cost and recommends that it proceed.

In concluding, I would comment on the committee's recent liaison with government agencies regarding postimplementation reports. I would like to take this opportunity to remind agencies and departments that postimplementation reports are required within three months of project completion. Additionally, the committee should be informed of any changes to scope, time, cost, function or design as they occur.

I commend this report to the Senate.

Question agreed to.

Legal and Constitutional Affairs Legislation Committee

Government Response to Report


Leave granted.

The response read as follows—
Australian Government response to the Senate Legal and Constitutional Affairs Legislation
Committee report:
Classification (Publications, Films and Computer Games) Amendment (Classification Tools and
Other Measures) Bill 2014

Response to recommendations
The Australian Government has considered the two recommendations made in the Senate Committee’s
report and provides the following responses.

Recommendation 1
The committee recommends that the Bill be passed.

Australian Government response:
The Bill was passed by Parliament on 28 August 2014 and received Royal Assent on 11 September
2014.

Recommendation 2
The committee recommends that the government ensures that the Bill’s implementation and supporting
material are clear and understood by stakeholders, in particular information regarding the approval and
trial of classification tools, and the appeals process.

Australian Government response: Agreed
The Government continues to inform and consult stakeholders on the reforms provided by the Bill
including, where relevant, those who made submissions on the Bill.

For example, the Government has consulted with the Interactive Games & Entertainment Association,
state and territory governments and community groups on the Minister’s Classification (Approved
Classification Tools) (Application for Revocation of Classification) Determination 2015, a legislative
instrument made under these reforms specifying persons who are eligible to apply for a revocation of a
classification made by an approved classification tool and the timeframe under which applications may
be made.

All appropriate information about approved classification tools will be made publicly available and all
decisions of tools will be published on the National Classification Database.

Environment and Communications References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (17:34): I rise to speak on the Environment and Communications References Committee’s report, Regulation of the fin-fish aquaculture industry in Tasmania. First of all I acknowledge the submitters to this inquiry, the industry, who provided assistance, those who came along to hearings and the secretariat staff for their assistance in putting together this report.

Growing and processing salmon is one of Tasmania’s most valuable primary industries in
terms of production value. It contributes close to half a billion dollars annually to the
economy. It employs 1,570 workers in 26 of the 29 local government areas and it supports a
further 3,700 jobs indirectly, with the potential for many more in the near future. Put simply,
the industry is too important to turn a blind eye to any possible adverse impacts.

Committee members came to the inquiry with open minds to recommend change that was
supported by the evidence. By the same token, we also wanted to shine a light on any
concerns that turned out to be unfounded. One of the most striking findings of the inquiry was the significant disconnect between perceptions of some in the community about the environmental effects of our salmon industry and evidence from the peer-reviewed research and objective environmental data.

The inquiry was prompted by concerns about whether the activities of the industry were leading to decreased dissolved oxygen levels in Macquarie Harbour, affecting waterway health and potentially impacting negatively on nearby abalone farms. Since that time, the CSIRO has released a report which found that the total organic load associated with river discharge is a hundred times that of salmon production in Macquarie Harbour. Independent monitoring undertaken by Aquadynamic Solutions also showed that dissolved oxygen levels have actually returned to late 2011 levels. Another important advance since the inquiry was launched was the release of the Buxton report, which showed no link between the activities of the salmon industry and the productivity of abalone farms.

These reports add to what is already an extensive body of research. The Commonwealth government and the salmon industry have jointly funded 96 research projects worth more than $25 million in support of sustainable development of the industry, with 20 active projects and four that are about to start. This research has covered a broad range of areas with a focus on environmental management, farm management, animal health and disease mitigation and threatened and endangered species. Notably, the industry itself has also proactively invested more than $200 million in research over the last 30 years—much of it done in partnership with the highly respected scientists at the CSIRO and the University of Tasmania's Institute for Marine and Antarctic Studies. With a vibrant research community on our doorstep, Tasmania's salmon industry has benefited from the contribution of some of the brightest minds in the field.

The committee received extensive evidence that the impact of the industry on the surrounding environment is small, and that the industry is single-mindedly focused on continuous improvement. As well as commissioning independent research, the industry maintains a rigorous regime of environmental monitoring. The broad-scale environmental monitoring program, which is recognised as world's best practice, analyses water quality by measuring factors like water column nutrients, dissolved oxygen levels and salinity. It has found no significant impacts on the broader environment from the salmon industry. The industry also spends half a million dollars a year in maintaining third-party certification through international bodies which have standards far exceeding anything mandated by the federal and state governments. These cover a range of areas including benthic effects, water quality, nutrient release, biosecurity management, fish health, stocking densities and interactions with wildlife and critical and sensitive habitats and species. Of course there are very real business imperatives for the industry to invest heavily in their environmental credentials and sustainability practices. It is not just a matter of branding and market premiums, although these are very important. It actually goes to the very survival of the industry. If these multimillion-dollar businesses are to continue in the long term, then sustainability must be a prime consideration.

Ninety percent of Tasmanians are either strongly or somewhat in favour of the industry, but concerns still proliferate in parts of the community. When perceptions are not validated by the research and expert advice, they can breed unjustified anxiety and potentially inflict serious
damage to this important industry. It is for this reason that the committee has recommended that the state government increase data release and integrate more formal public input into planning processes. Clearly as the industry expands there will be an ongoing need to carefully monitor its interactions with the surrounding environment. But, on the basis of the expert evidence provided to the committee, there is no justification for further regulation. To further burden this industry with red tape when there is no evidence of a direct detrimental impact on the environment would not only be a waste of resources but also a reckless and onerous imposition on an industry that should be lauded for its impressive environmental credentials. I commend the report to the Senate.

Question agreed to.

**Intelligence and Security Committee Report**

Debate resumed on the motion:

That the Senate take note of the report.

**Senator FAWCETT** (South Australia—Deputy Government Whip in the Senate) (17:42):

I would like to make a few remarks about the Intelligence and Security Committee's report on the Australian Citizenship Amendment (Allegiance to Australia) Bill 2015. The report goes into the purpose of the bill but also takes a detailed look at sections of the bill, particularly proposed section 33AA, which is renunciation by conduct; proposed section 35, which is service outside of Australia in armed forces of an enemy country or a declared terrorist organisation; and proposed section 35A, conviction for terrorism offences and certain other offences. There are also some proposed amendments to section 36 which deal with the children of responsible parents who cease to be citizens, and proposed section 36A, which highlights that there can be no resumption of citizenship if it ceases under any of the previous provisions.

The report follows on from the fact that the parliament has recognised that Australian citizenship is a common bond involving reciprocal rights and obligations and that citizens may, through certain conduct which is incompatible with the shared values of Australia or Australian interests or if they engage in acts that are intended to harm Australia or Australia's interests, sever that bond and repudiate their allegiance to Australia. This is historical. We see going right back to just after World War II that there were provisions put in law whereby somebody who served in the armed forces of a foreign nation that was at war with Australia by their conduct automatically lost their citizenship. What we are proposing here is that there are explicit powers for the cessation of Australian citizenship for dual citizens where they repudiate their allegiance to Australia by engaging in terrorism related conduct or through convictions for such conduct.

We had a number of recommendations in relation to this bill. The committee was seized of the fact that we have a balancing job to do. We need to provide our agencies—the people, particularly in the AFP, who literally sometimes put their lives on the line, and the people within agencies such as ASIO and ASIS who work hard to keep Australians safe—with the tools that they need to do their job. At the same time, we need to preserve those characteristics of our society that make us a liberal, plural secular democracy: freedom of speech and freedom of association. What the committee attempted to do during its
consideration of this legislation was to make sure that these measures provided the outcome, or at least the majority of the outcome, that the agencies were after but at the same time protected those fundamental elements that we rightly say characterise Australian society.

In the six minutes I have I do not have time to run through all the recommendations, because there were quite a few, but I would just note that, despite the fact that there was a deal of dialogue within the committee, we have reached a bipartisan position. Particularly with the cooperation and detailed briefings by the agencies, committee members from both of the major parties reached an understanding and a position where we felt that we could bring before the parliament recommendations that will give us that balance that we need.

Particularly for section 33AA, we have limited that to people who have engaged in relevant conduct offshore or who have engaged in relevant conduct onshore but left Australia before being charged and brought to trial in respect of that conduct. The effect of that means that if you are onshore your conduct alone is not going to lead to automatic revocation, because the opportunity is there to bring you before a court to be tried and, as determined by the court, either found innocent or guilty. If found guilty, then clearly the revocation by conviction may apply, but the revocation by conduct will not.

For those people who travel overseas—and we have seen a number on social media and through television reports and other sources—where their conduct very clearly shows that they have joined a terrorist organisation and they have acted contrary to the interests of Australia and Australians, that conduct alone, if they are dual citizens, means that they will have their Australian citizenship revoked, which means they cannot come back. Likewise for those who have engaged in conduct onshore but have fled before they can be apprehended such that they are beyond the reasonable reach of our law enforcement agencies, they can also lose their citizenship, if they are dual nationals, on the basis of that conduct. We felt that it was an important protection that, where possible, people were brought before a judge, as opposed to just relying on their conduct, to lose their citizenship.

We also note that the declared terrorist organisation is an important element in this. This minister needs to declare organisations that would activate some of these measures if you were a member of them or join them or support them. The recommendation is that this should be a disallowable instrument, which means that, in addition to the briefs that are given to the minister, there is a broad group in the form of the Intelligence and Security Committee and ultimately the parliament who have the opportunity to say, ‘Yes, we concur that group should be a declared organisation.’ It is a safeguard and a protection—not that we realistically expect it in the current environment. But once something is law, who knows where that goes down the track? This is a way of providing that extra safeguard of both the committee, who can get the classified briefings, and the broader parliament having that disallowable instrument before them.

We also looked at a number of issues to do with retrospectivity. Retrospectivity is something that this parliament does not look at lightly, but we have decided that in the limited case where somebody has been convicted of a terrorism offence carrying a penalty of at least 10 years, and if that has occurred within the last 10 years, then this legislation will apply to them. That conviction will be sufficient for them to lose their Australian citizenship if they are a dual citizen. It is an unusual step, but we again feel as though that provides a check and a balance. By its very nature the recommendation means it is for a limited time frame. It does
not extend into the future and it captures only the most serious of offences where people have threatened Australians or Australia's interest by their actions.

We have also looked particularly at the area of children. One of the unique characteristics of the threat that we are currently facing is that we are seeing an increasing number of young people caught up in this. In some cases, they are the children of people who have engaged in terrorist activities, and clearly—following from some of the precedents we have under the Criminal Code—children under 10 are not going to be held accountable for their actions nor necessarily should they lose their citizenship as a result of the conduct of the parent. However, again taking the provisions that already exist that categorise children between 10 to 14 and then above that up to 18, we have put in place some measures so that children under 14 years old cannot be subject to sections 33AA or 35. But capturing those children between 14 and 18 years of age is an important tool to allow the authorities because we are seeing so many in that age bracket, particularly at the older end, who are making very conscious, informed decisions about their actions.

As I said, I do not have time to run through all the other recommendations here. It is a good example, for those listening to this debate, of the Australian parliament working well, constructively and in a bipartisan manner for the national interest.

Recent Allegations Relating to Conditions and Circumstances at the Regional Processing Centre in Nauru Select Committee Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator IAN MACDONALD (Queensland) (17:53): by leave—this report into recent allegations relating to conditions and circumstances of the regional processing centre in Nauru is, regrettably—unlike Senator Fawcett said—not an example of the parliament working together in the best interests of the people of Australia. This issue of what happens on Nauru has been dealt with by so many different committees, and the amount of time that has been wasted by the parliament—and, indeed, the money wasted by the parliament in pursuing these fixations of the Greens political party—really needs to be exposed.

As this report shows and as is normal in these sorts of inquiries, the recommendations are meaningless and most of them, where they are serious, have already been implemented by the government or those responsible for the Manus Island report. I lament that the Senate committee system, which used to be highly regarded, has been hijacked, particularly by the Greens political party and with the help of the Labor Party, in dealing with issues not once but twice and thrice, and even more inquiry is proposed.

In this particular instance, the Moss review, which was properly equipped to investigate these issues—an independent inquiry, not a political inquiry—conducted by a respected now retired senior public servant, with all the resources available to an inquiry, looked into all matters related to the Manus Island regional processing centre. Mr Moss made certain recommendations, which the government and those involved accepted and implemented. I understand there is a proposal to look again at Nauru.

This inquiry took a lot of time, a lot of committee secretariat time and effort, to explore and investigate things that had already been looked at by Mr Moss in an independent inquiry, had
already been looked at by the New Guinea police or the police in charge of Manus Island and by the authorities in Australia who had all the resources to look at this. Yet we set up this committee consisting of politicians, running certain political processes and goals and procedures, just for the purpose of trying to score political points. That is fine—perhaps some would say parliament is a place where you should attempt to score political points. But when it involves the amount of time and effort of the secretariat staff and the money of the Department of the Senate in supporting those staff, we really need to take a look at this.

Most of the issues related in this report were actually canvassed at the relevant Legal and Constitutional Affairs Legislation Committee estimates hearings reports. Nothing new came out of this report that was not extracted at either estimates, by Mr Moss, or by the other authorities that looked at the issue. You will see, Mr Acting Deputy President, that the dissenting report by the government senators to this inquiry clearly shows that most of the recommendations of the majority of this committee had already been implemented. It was a complete, abject and utter waste of time and money. Yet someone was indicating to me we are going to have another inquiry into Manus Island.

For a start, it is another country. It is a processing organisation put in place, I might say, not by the Abbott government but by the previous Labor government, the last government of Mr Rudd. It became clear that when Mr Rudd set up this regional processing centre arrangement, at Nauru, enough thought was not put into it. It was done in haste, approaching an election. Mr Rudd had at last worked out that the Australian people wanted the boats stopped and one of the ways of doing this was to set up these regional processing centres. They had worked so effectively in the time of the Howard government. But Mr Rudd—better late than never.

A lot of the problems that arose at Manus Island, and I accept there were some, were all a result—and the evidence clearly showed this—of the hurried nature in which this regional processing centre was put together, the hurried nature of which relevant personnel and managing agents were put into effect.

When the government changed in 2013, the relevant minister, Mr Morrison, immediately set about fixing things on Manus Island and established a number of well-resourced, serious inquiries by people who knew what they were talking about. As a result of those serious, well-resourced inquiries, a number of recommendations were made. Indeed, the department itself clearly understood that things that were put together in haste by Mr Rudd had to be improved and all of those things were done and put in place. This inquiry has actually contributed zero, zilch, nothing. It has given one of the Greens senators, who is prominent in this, another platform to appear on TV with emotive language and a good five-second grab for the TV headlines.

**Senator Canavan:** Sea Patrol?

**Senator IAN MACDONALD:** The *Sea Patrol* example—I do not want to be personal about this, Senator Canavan, but you perhaps know who I am talking about. It is the person who understood that all of our border protection arrangements were what was seen on a TV story called *Sea Patrol*. These inquiries give those sorts of senators a bit of a platform, as I say, for the five-second grab on the evening TV news. But, as a serious use of the Senate's time and resources, this report and this whole inquiry get one out of 10—and that is generous.
I only raise these issues because Senate committee reports have, in most of my time here, been highly regarded because they have, by and large, been bipartisan. There have been one or two exceptions, but, by and large, they have been bipartisan and they have been serious inquiries into matters of policy. This inquiry and a number of others along this line, set up by the same protagonists, I might say, were simply set up, it seems to me, to give particular people a bit of a platform on which to conduct their normal emotional—and fairly standard, I might say—responses to these issues. If they achieved anything, you could accept them, but I have to say that this report clearly demonstrates that the whole committee exercise in this instance was a complete and abject waste of money and time. It was a select committee, but it involved senators who were busily involved in other serious committees.

I only raise these things because this sort of approach continues. I call upon the Labor Party to have some sense about which of the Greens’ referrals they support. We cannot keep going on having these inquiries and reports that take us absolutely nowhere and give one or two senators an opportunity to grandstand but achieve nothing as far as policy and governance of this nation are concerned. I appeal to the sensible people in the Labor Party to think twice about supporting the Greens every time they bring up these ridiculous inquiries that they know, as everyone knows, will go absolutely nowhere. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BILLS

Social Services Legislation Amendment (No. 2) Bill 2015

Explanatory Memorandum


COMMITTEES

Legal and Constitutional Affairs References Committee

Rural and Regional Affairs and Transport Legislation Committee

Membership

The DEPUTY PRESIDENT (18:04): The President has received a letter requesting changes in the membership of committees.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (18:04): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Legal and Constitutional Affairs References Committee—

Appointed—

Substitute member: Senator McEwen to replace Senator Ludwig for the committee’s inquiry into arts programs and funding on 18 September 2015

Participating member: Senator Ludwig

CHAMBER
Rural and Regional Affairs and Transport Legislation Committee—
Appointed—
Substitute member: Senator Gallacher to replace Senator Sterle from 19 to 23 October 2015
Participating member: Senator Sterle.
Question agreed to.

Joint Standing Committee on Electoral Matters

Joint Standing Committee on Corporations and Financial Services Committee
Membership
Message received from the House of Representatives notifying the Senate of changes in the membership of joint committees, as follows:
Message no. 442, dated 7 September 2015—
Joint Standing Committee on Electoral Matters, Mr Hawke in place of Mr Smith
Parliamentary Joint Committee on Corporations and Financial Services, Mr Laundy in place of Mr Smith.

Environment and Communications Legislation Committee
Report
Senator CANAVAN (Queensland) (18:05): On behalf of the Chair of the Environment and Communications Legislation Committee, Senator Ruston, I present the report of the committee on the provisions of the Water Amendment Bill 2015, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.

BILLS
Banking Laws Amendment (Unclaimed Money) Bill 2015
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator CANAVAN (Queensland) (18:05): I rise to continue remarks that were interrupted by question time earlier today. To recap in simple terms, a few years ago the then Labor government made a decision to take money away from people, and the bill before the chamber today, the Banking Laws Amendment (Unclaimed Money) Bill 2015, returns that money to people and returns us to the default position where people can expect that they will not have money taken from their bank account before it is inactive for a period of seven years. As I indicated in my earlier remarks, that had been the record and the policy of the Commonwealth government from 1911 through to 2012. Over that period, it was always the case that you had seven years before unclaimed moneys would be claimed by the government. A couple of years ago, the then Labor government, in a desperate and ultimately futile attempt to reach a budget target, decided to reach into the piggy banks of every Australian household and take that money off them earlier, changing that policy of 101 years. This bill helps change that back.
It was a policy for 101 years, almost the entire period of the Commonwealth government, a time in which we had the two world wars, the Great Depression, the Cold War and two Olympic Games in Australia. It was a consistent policy over that entire time frame. But then, suddenly, the world's greatest Treasurer, and the world's greatest finance minister, said a few years ago: 'It may have been policy for more than 100 years, but I think it is wrong and we should take that money back from people after three years not seven years.' Unfortunately, the world's greatest Treasurer got that wrong two years ago and the government has now got it right in returning our position back to the default position, which is that people can expect to have their money in the bank for at least seven years before it is deemed to be unclaimed money and taken by the government.

The scope of the change was quite significant. It was not simply an administrative change of going from seven to three years; there was a substantial amount of money put at risk with this change. In 2013, the year after that the decision was made, $550 million in unclaimed moneys was taken by the federal government. That was the year after Mr Swan, as Treasurer, changed the law that had existed for 101 years. In 2012, the year before that change, there was only $70 million in unclaimed moneys. So it went from $70 million a year to $550 million a year. You can see why the Labor Party saw this as a juicy target. They were struggling to keep any kind of control over the budget and to keep consistency in the promises they were making to people to balance the budget at the time. So they saw half a billion dollars sitting in bank accounts, which people expected was their money, and they took that money. That is literally what they did. They took $500 million that was additional to what would normally be claimed—or, to be precise, $480 million—and transferred it to the government to help build their budget bottom line. What kind of government does that overnight? Even if you thought seven years was too long and it should be three, four, or five, you would think you would take a little longer, not just make that change overnight, within a year, and suddenly go from taking a $70 million a year in unclaimed moneys to $550 million. But it was certainly not out of step with the aptitude and approach of the Rudd-Gillard government. Unfortunately, this government has had to spend a lot of time fixing up the mistakes and missteps of the former government—and this is another one that is being fixed.

This bill will reverse the policy of taking people's money after three years and go back to seven years. As I said before, the Labor Party were caught red handed in this wild spending spree smashing the piggy banks of people all around the country. They were caught red handed and they have now fessed up to it. My understanding is that they are going to support this bill. That is great, and I compliment them for that. But the best thing to do when you realise have done something wrong—and I have certainly done many wrong things in my life—is to admit it and make amends for it. And it is good to see that the Labor Party are finally making amends for this.

But I suppose there is some silver lining as well to what happened a few years ago. Perhaps it is a case of 'no bad deed going unrewarded', because this bill now makes improvements, I believe, in regard to the policies on unclaimed moneys. As I said, it has been consistent for a long time to claim those moneys after a seven-year period. But this bill would extend some exemptions to certain accounts such that the moneys in those accounts will not be claimed by the government even after seven years. I think that is a positive development. For example, funds in children's accounts will be exempt from this legislation. Of course, many Australians
seek to put savings into a child's account for their future and put it in their trust. Sometimes, activities in those counts may be understandably low, because they might not receive any additional funds or, indeed, have any activity for a period of seven years or more. Notwithstanding that, the parents or guardians would still expect that money to be available for the child once they turn 18 or become responsible for their own financial affairs. In recognition of that fact, the government has made a decision not to punish parents or other Australians who have not realised that there is that seven-year period. So children's accounts will be exempted in this bill, and I think that is a very positive change.

Similarly, bank accounts denominated in foreign currency will also be exempted. This is to reflect the fact that foreign currency accounts are usually used by sophisticated consumers to settle complex international business transactions. There are only a small number of these accounts in the country. In the government's view, it would be an unnecessary and unreasonable impost of red tape to expose those accounts to this particular legislative framework, so they will be exempted as well.

There are a number of other changes that will also improve the operation of this legislation. The government has made a decision to no longer publish ASIC's Unclaimed Money gazettes. While there have been some concerns that this may make it harder for people to reclaim their unclaimed moneys, ASIC already provides MoneySmart, an online resource for reuniting account holders with their accounts. Anyone listening who feels they may have unclaimed money can go to www.moneysmart.gov.au to try and find it. This particular change, in conjunction with stricter controls on access to information about unclaimed moneys, will help to protect Australians with unclaimed accounts from exploitation. In my view, that is another positive change in this piece of legislation. This bill implements a number of privacy protections and secrecy provisions to limit the access to this information to those people who truly need it.

At the moment, a freedom of information request to ASIC can result in the personal information of Australians with unclaimed accounts being published. That information can include the account holder's name, their last known address and the amount of money unclaimed. The Australian Information Commissioner has raised concerns that this level of information could enable identity theft. Apparently, there are reports that some unscrupulous businesses are using such information to charge fees as high as 25 per cent to reunite people with their own money. The government believes that behaviour should not be accepted, or at least should not be encouraged and supported, through the provision of information to people who do not own the account. This bill will ensure that future FOI requests in regards to unclaimed moneys will only reveal details to the individual whose account it is. To receive these details through an FOI request in the future, the actual individual who owns the account would have had to have made that request. That change will help ensure that people's private details do, indeed, remain private.

The government will also ensure that it is easier to keep accounts active by making it easier for people to demonstrate or qualify for an active account so that their account is not unclaimed. All they will need to do in the future is check their account online or over the phone for an account balance. That simple check will trigger the account to remain active and it would not be subject to unclaimed moneys legislation.
Taken in combination, these changes will I believe make the framework that has existed for over a century stronger. They will make it more responsive to the particular uses that Australian consumers make of their bank accounts, particularly by exempting children’s savings accounts. While it is unfortunate that the former Labor government decided to change the more-than-a-century-old framework in this field, I believe that, when this bill passes, we will have a stronger unclaimed moneys framework, and one that is more responsive to consumers' needs.

It is also the case that the changes will help reduce regulatory burden on the sector. Having to claim money within a three-year time limit rather than a seven-year time limit may raise more money for the government, but it does impose a burden on the financial sector. Going back to the previous regime will help remove that burden. It is estimated that that will save the wider economy $36 million a year. Of course, that includes not just the burden placed on banks and life insurers who have to transfer this money to the government but also the burden placed on Australians themselves who will less frequently have to check and try to track down the moneys that may be unclaimed.

That saving of red tape and the reduction of the regulatory burden is a core commitment and a core value of this government. We should be a government that seeks to walk softly for business. We have a need for regulation in many areas, and this, indeed, is an example of where there is a need for some form of regulation. But we should seek to minimise its impost on businesses, particularly small businesses, and, of course, we should seek to ensure that regulation does not unduly restrict the development of our economy, the creation of jobs and the creation of a more wealthy and prosperous community. This is just one small element of the government's regulatory reduction agenda. We have made it easier for large projects to be approved in this country. Indeed, there has been more than $700 million worth of projects approved since this government came to power. We have reduced regulation of the farm sector, particularly around the approval of chemicals and pesticides, which was becoming increasingly burdensome for that sector. Added up, these changes make a big difference.

The government is also now progressing further reforms to make it easier to get projects like the Adani coalmine in Central Queensland, near where I live, across the line. This project has the potential to deliver 10,000 jobs to Central Queensland, which is half the size of the NBN, in terms of value, just in Central Queensland. It is something that we need to do. We should have done it years ago. It has taken us five years to say yes or no. We need to reduce that regulatory burden to make it easier for people to invest in our country.

Senator McGrath (Queensland) (18:20): It gives me great pleasure to rise this evening to speak on the Banking Laws Amendment (Unclaimed Money) Bill 2015. This is a very important bill for the savers and the taxpayers of Australia. Under the previous Labor government, over $550 million was raided from 156,000 accounts after Bill Shorten, the then responsible minister, reduced this inactive period for bank accounts from seven years to three years. Effectively, it was the greatest period of bank robbery since Ned Kelly was fandangling around the Victorian bush. This is a good bill because it is on the side of Australian taxpayers and Australian savers. No government should be taking the savings of Australians after such a small period as three years. Returning it to seven years is, I think, an appropriate balance for the taxpayers and savers of Australia.
In May 2014, the government released a discussion paper on potential changes to the unclaimed moneys regime. It requested comments in relation to three particular options. The first option was retaining the status quo of three years that had been brought in by Labor—and that huge cash grab of half a billion dollars in one year alone that I mentioned before. The second option was increasing the period of inactivity to five years. The third option was to return it to a period of seven years. This particular discussion paper also included comments and discussion on related issues, including whether foreign currency accounts should be captured and balancing the privacy requirements with the requirement to publish information on unclaimed moneys and other administrative matters.

In November 2014 the financial system inquiry discussed unclaimed moneys in an appendix to its final report. That report stated:

At present, bank accounts and life insurance policies are deemed to be unclaimed monies and transferred to Government if they are inactive for three years. The present position was changed in 2012, from a longstanding arrangement that required an inactive period of seven years.

The Australian Bankers’ Association estimates that reverting to seven years would halve the number of claims. The Inquiry believes Government should act to ensure bank accounts and life insurance policies are deemed unclaimed after seven years of inactivity and that these monies should be held in a separate trust account.

The final report recommended that the government should define bank accounts and life insurance policies as unclaimed monies if they are inactive for seven years. So, in the 2015-16 budget the government announced that effective from 31 December 2015 it would make a number of changes to the unclaimed moneys provisions in the Banking Act 1959 and the Life Insurance Act. The Banking Laws Amendment (Unclaimed Money) Bill 2015 will amend the Banking Act and the Life Insurance Act to specify that funds in bank accounts and life insurance policies cannot be deemed to be unclaimed and therefore transferred to the Commonwealth until they have been inactive for a period of seven years.

The bill will also introduce secrecy provisions into the Banking Act and the Life Insurance Act to ensure that even under a freedom of information request the particulars of the amount of unclaimed money or the person to whom the money is payable cannot be released to anyone other than the account holder or an agent acting on their behalf. This bill also amends the Banking Act to exempt funds held in foreign currency from the unclaimed money provisions; to exempt funds held by or on behalf of an individual under the age of 18 from unclaimed moneys provisions; to ensure that if an account holder or their agent notifies their financial institution that they would like their account to remain active at any time prior to its transfer to the Commonwealth that this account does not have to be transferred; and to remove the requirement to publish an unclaimed moneys gazette while still ensuring that the Treasurer can make the details of those with unclaimed accounts publicly available in such a manner as the Treasurer determines.

Even though the matter is quite simple in terms of what the government is trying to achieve here—that is, returning the period of inactivity from three years to seven years before the government can get their grubby fingers on the money and the savings of Australian taxpayers—it is actually quite a complex matter. I think it is worthwhile going into some detail of the terms of particular provisions of what the government is attempting to achieve. This bill makes amendments to the Banking Act and the Life Insurance Act to give effect to
the unclaimed moneys measures announced in this year's budget. The bill extends from three
to seven years the period of inactivity required before funds from what are called
authorised deposit-taking institutions, or ADIs—I do not want to get caught up in the big
words—and life insurance provider accounts and life insurance amounts can be transferred to
the Commonwealth. As such, accounts held by ADIs and life insurance providers will have to
be inactive for a period of seven years before they are deemed to be unclaimed moneys and
transferred to the Commonwealth. The bill exempts ADI accounts created for children and
those that are held in a foreign currency from the unclaimed moneys provisions. It will also
stop ADI accounts from being transferred to the Commonwealth where the account holder
provides notification that the account should be treated as active after the account is assessed
as unclaimed money at the end of the calendar year but before it is transferred to the
Commonwealth.

The bill also promotes and protects the privacy of individuals who have accounts with
unclaimed moneys by removing the requirement for the Australian Securities and Investments
Commission, or ASIC, to publish details of unclaimed moneys in the annual unclaimed
moneys gazette, introducing a secrecy provision to prevent access to information on
unclaimed moneys via the Freedom of Information Act and making consequential
amendments to the FOI Act to restrict access to information about unclaimed moneys under
freedom of information requests. Chapter 1 of the bill, which is an amendment to the Banking
Act 1959, will amend the Banking Act to provide for new arrangements for unclaimed
moneys held by ADIs. Currently ADIs are required to assess all accounts to determine
whether they consist of unclaimed moneys by 31 December each year and transfer any that do
to the Commonwealth by 31 March the following year. An account held by an ADI consists
of unclaimed moneys if, in the previous three years, there have been no transactions in the
account other than interest or charges and the account holder has not satisfied the notification
requirements by, for example, checking their account balance online or on the phone or
specifically advising their bank that they would like the account to remain active.

Evidence suggests that many of the accounts that are declared unclaimed and transferred to
the Commonwealth are effectively active, as the account holder remains aware of them. For
example, around 15 per cent of unclaimed funds transferred from ADIs are reclaimed in the
same year that they are transferred to the Commonwealth. Approximately 50 per cent of all
funds transferred to the Commonwealth as unclaimed moneys are reclaimed within two years.
The proportion of effectively active accounts that are transferred to the Commonwealth each
year under the current provisions—that is, the three-year period for inactive accounts—
increases the regulatory burden of the unclaimed moneys provisions for ADIs but also, and I
think more importantly, for account holders—that is, the taxpayers and the savers of Australia
who have put the money away for a rainy day but wake up one day to find that someone, 'Big
Brother' or 'Big Sister' down in Canberra, has swiped their account. ADIs have to assess and
transfer all accounts with unclaimed moneys to the Commonwealth even though many of the
accounts are still effectively active. Once these accounts have been transferred, account
holders have to complete the necessary paperwork and verify their details in order to reclaim
their accounts.

To minimise the number of effectively active accounts that are transferred to the
Commonwealth, regulation 20A of the Banking Regulations enables account holders to notify
their ADI that an account should be treated as active. If notification is provided prior to 31 December—that is, when ADIs have to assess accounts as unclaimed moneys—then the account does not have to be transferred to the Commonwealth. If, however, the account holder provides notification after the account is assessed as unclaimed money on 31 December but before the ADI transfers the sum of money to the Commonwealth, then the amount must still be transferred. This is inconsistent with the treatment of accounts where the account holder satisfies the activity requirements, such as completing a transaction, after the account has been deemed to be unclaimed but before the funds are transferred to the Commonwealth, as these accounts do not have to be transferred to the Commonwealth.

The unclaimed money provisions currently apply to foreign currency accounts and children's accounts. The application of the unclaimed money provisions to these accounts does not align with how they are used by the community. Foreign currency accounts are generally used by consumers who are a little bit more sophisticated in relation to the settlement of their business transactions in relation to foreign currencies. Transferring these accounts to the Commonwealth under the unclaimed money provisions requires the account to be converted into Australian dollars, potentially exposing the account holder to exchange rate fluctuations. Given this risk and the fact that these accounts are used by such sophisticated consumers who are likely to know of these accounts, it is not appropriate to transfer them to the Commonwealth under the provisions. Likewise, children's accounts are generally established for long periods so that the money can be set aside in a high-interest account for a child to access on, for example, their 18th birthday. Transferring these accounts to the Commonwealth may result in some children losing out on higher interest rates because accounts transferred to the Commonwealth will only accrue interest at the rate of the consumer price index.

Details of unclaimed moneys held by the Commonwealth must be published annually in the Australian Securities and Investments Commission's unclaimed money gazette. Information on unclaimed moneys is also released under the Freedom of Information Act and is published on the ASIC website. Details of unclaimed moneys are also searchable online via the ASIC MoneySmart website. The level of information available has created the opportunity for groups to approach account holders offering to reunite them with their account for a fee. Account holders can reclaim their money from the government at no charge. The level of information could also potentially be used for identity theft.

The new law amends the Banking Act to extend the unclaimed moneys period from three years to seven years. The new law also provides that ADI accounts created for children and those with foreign currency accounts are exempt from the unclaimed moneys provisions. The new law stops ADI accounts being transferred to the Commonwealth where the account holder provides notification that the account should be treated as active after the account is assessed as unclaimed moneys at the end of the calendar year but before it is transferred to the Commonwealth. The new law amends the Banking Act to remove the requirements for ASIC to publish details of unclaimed moneys in the unclaimed money gazette and introduces a secrecy provision to prevent access to information on unclaimed moneys via the FOI Act. The Treasurer will retain the ability to publish information on unclaimed moneys, such as on the ASIC's MoneySmart website.
Chapter 2 of the bill will provide for new arrangements for unclaimed moneys held by life insurance providers. Currently life insurance providers are required to assess all accounts to determine if they consist of unclaimed moneys by 31 December each year and, similar to those with ADIs, transfer any such funds to the Commonwealth by 31 March of the following year. An account held by a life insurance provider consists of unclaimed moneys if there have been no transactions in the account other than interest or charges in the previous three years. Many of the accounts that are transferred to the Commonwealth are still effectively active, as the account holder, similar to those with ADIs, remains aware of them. Around nine per cent of life insurance accounts are reclaimed in the same year as they were transferred to the Commonwealth, and 50 per cent of all funds transferred are reclaimed within two years.

The high proportion of effectively active accounts that are transferred to and reclaimed from the Commonwealth creates a regulatory burden for life insurance providers and account holders. Life insurance providers have to assess and transfer all accounts with unclaimed moneys to the Commonwealth even though the accounts may still be effectively active. Once these accounts are transferred, account holders have to complete the necessary paperwork and verify their details in order to reclaim their accounts. Information on any unclaimed moneys is released under the Freedom of Information Act and is published on the ASIC website. Details of unclaimed money are also available to search online via the ASIC MoneySmart website. This level of information that has been available has created the opportunity for groups to approach account holders offering to reunite them with their account for a fee, similar to those under ADIs. But account holders can reclaim their money from the government at no charge. The level of information could also potentially be used for identity theft. In summary, this new law amends the Life Insurance Act to introduce new secrecy provisions and to extend the unclaimed moneys provision from three years to seven years from 31 December 2015.

We should consider how this has come about. It was an act of the previous Labor government, back in 2012, to reduce the period for unclaimed moneys to be transferred to the Commonwealth from seven years to three years. In 2012-13, the federal government was able to pilfer from Australian taxpayers and Australian savers a sum of over half a billion dollars. When the previous government reduced the required period of inactivity before funds in bank accounts and life insurance policies could be transferred, the value of unclaimed money transferred to ASIC grew more than eightfold in a single year. Much of this money, however, was not truly unclaimed and the previous government's changes left many Australian families in a position of financial distress. It also imposed a large red-tape cost on industry which, first, had to transfer accounts to and then reclaim them from ASIC on behalf of their customers, often in the same year. This situation must not continue. It had a particular impact on the savings accounts of elderly Australians who had worked for decades to put money away for a rainy day or put money away for their children and grandchildren. They suddenly woke up one day and found that the people in Canberra had got their grubby fingers all over their savings. It is a shameful period in how we look after people who work to save money for the greater benefit of Australia.

In order to protect these account holders and industry, this bill returns the required period of inactivity before funds can be transferred from bank accounts or life insurance policies to seven years—that is, once they are truly unclaimed. A seven-year period had been in
existence for a considerable amount of time. People knew that they had seven years. Reducing it—

**Senator Whish-Wilson:** Come on, fire up!

**Senator McGrath:** Do you want me to fire up? I am happy to fire up. I was going to take a gentle path, but if you want me to fire up I am more than happy to fire up. You know that. I am easily provoked.

**The ACTING DEPUTY PRESIDENT (Senator Gallacher):** Senator McGrath, address the chair.

**Senator McGrath:** Through you, Mr Acting Deputy President, I think this is a very good bill because it returns the savings of Australians to them and returns the period of inactivity of bank accounts before they can be taken from three years to seven years. The government of Australia should be helping people save money, not taking it from their bank accounts like some nefarious Ned Kelly.

**Senator Sinodinos** (New South Wales) (18:40): It is a pleasure and a privilege to follow Senator McGrath in this debate—a great senator from the great state of Queensland. In my remarks I want to do a number of things. I want to talk a bit about an aspect of history relating to the Banking Laws Amendment (Unclaimed Money) Bill 2015. It goes back to the period when I was Assistant Treasurer. I went on a radio program—I think it was on 2GB—and was being interviewed by Jason Morrison. I went on to talk about some legislative issues current at the time, but he immediately got into me on the issue of unclaimed moneys and the fact that in 2012 the former government had reduced the period before funds could be transferred to the Australian Securities and Investments Commission from seven years to three years, which had resulted in a large number of effectively active accounts being transferred to ASIC, and that left many Australians financially stressed. I was quite surprised at the strength of his feeling on this subject. It registered with me. It was also raised in the coalition party room and the Treasurer, Joe Hockey, undertook to examine the matter. This bill is the fruit of that consideration. I commend the Treasurer and the Assistant Treasurer, Josh Frydenberg, for following through with this particular bill.

When you have worked in government over a long period, as I have, you come across a lot of savings options. I suppose you could get to the point where you sometimes think that one savings option is as good as another, but you must never underestimate the public reaction to these things. There is no doubt that this particular measure struck a chord with a lot of people, and that of course was then reflected in the comments of media commentators, such as Jason Morrison and others. So, in one sense, you could say that this is the Jason Morrison bill. I am sure he will be chuffed that I say that about him. I do not think he is working in media any longer, but that shows the influence that people can have in setting some of these agendas, and I recognise his contribution on this particular bill.

This bill does a number of things. It implements a decision in the 2015-16 budget that, effective from 31 December this year, there would be a number of changes to the unclaimed moneys provisions in the Banking Act 1959 and the Life Insurance Act 1995. The bill amends the Banking Act and the Life Insurance Act to specify that funds in bank accounts and life insurance policies cannot be deemed to be unclaimed and therefore be transferred to the Commonwealth until they have been inactive for at least seven years. The bill will also
introduce secrecy provisions into the Banking Act and the Life Insurance Act to ensure that, even under a freedom of information request, the particulars of the amount of unclaimed money or the person to whom the money is payable cannot be released to anyone other than the account holder or an agent acting on their behalf.

The bill also amends the Banking Act to exempt funds held in a foreign currency from the unclaimed moneys provisions. It exempts funds held by or on behalf of an individual under the age of 18 from the unclaimed moneys provisions. It ensures that, if an account holder or their agent notifies an approved deposit-taking institution, or ADI, any time prior to the funds being transferred to the Commonwealth that they would like their account to remain active, the account does not have to be transferred. It removes the requirement to publish an unclaimed moneys gazette while still ensuring that the Treasurer can make the details of those unclaimed accounts publicly available in such a manner as the Treasurer determines.

The unclaimed moneys provisions exist to protect Australians' forgotten savings and life insurance policies from being eroded by fees and charges over time. So the public policy intent behind the original measures is fair enough and sensible. After an account has been inactive for seven years, the funds in that account will be transferred to the government, where they will grow at the rate of the consumer price index, tax-free. No matter what, these funds continue to belong to their rightful owner and can be reclaimed at any time through contact with either ASIC or their financial institution. There is no fee charged for this service.

As I alluded to earlier, Australia has had provisions to effect the transfer of unclaimed funds to the government since at least the introduction of the Commonwealth Bank Act in 1911. Between 1911 and 2012 accounts must have been inactive for at least seven years before accounts could be transferred. In late 2012 the previous government reduced the required period of inactivity to three years. This resulted in half a billion dollars from thousands of accounts—that in many cases their owners were aware of—being transferred to the Commonwealth. This placed many Australians in a position of financial distress. Returning the required period of inactivity to seven years is expected to reduce the number of accounts transferred to the government each year by up to 50 per cent and reduce the regulatory burden on the community by $36 million each year. As I noted earlier, the changes are due to take effect from 31 December 2015. This means that no funds should be assessed as unclaimed until at least 2019 and no unclaimed funds should be transferred to the government until at least 2020.

There are, as I mentioned earlier, a number of exemptions. For example, many Australians set money aside for their children's future and trust that this money will continue to grow in value and be available for the children when, say, they turn 18. In recognition of this fact and to reward, not punish, those Australians working hard to contribute to their family's future, funds from children's accounts will never be transferred to the government. This is sensible. People putting the money away—normally the parents or perhaps the grandparents—clearly have a stake or an interest in those funds being properly invested and growing in value over time and therefore they are likely to keep an eye on those accounts. It is not a matter in such cases, I believe, of people potentially forgetting that those accounts exist. So this is a sensible provision for exemption.

Why is the government exempting foreign currency accounts from the unclaimed moneys provisions? Again, this is a sensible change. Accounts in a foreign currency are primarily
used by sophisticated consumers to settle complex international transactions. Not only does transferring these accounts to the government potentially disrupt these processes; it also exposes the account holder to a loss, as their funds must be converted to Australian dollars at the prevailing exchange rate. So, as I said before, this was initially a budget savings measure, but we have to have equity and equity involves taking due account of the needs of the community, and the community have spoken loudly on this measure.

Finally, may I say that the red tape agenda is served by this bill as well, with a regulatory saving of $36 million per year. The federal government has shown its commitment to its deregulation agenda by the fact that it is prepared to incur a fiscal cost to reduce the fiscal balance by $158 million over four years from 2015-16 to implement this commitment. That shows genuine commitment to the regulatory process. On that basis, I complete my remarks.

Senator DASTYARI (New South Wales) (18:48): While I think that a lot of this bill is worthy and warrants the discussion of the Senate and that parts of this measure are a step in the right direction, it worries me that this type of banking reform is a priority for the government when so much of the banking reform that needs to happen in this country is not being undertaken. To start my remarks, I want to briefly touch on the issue at hand, which is how a government can best deal with unclaimed moneys.

The Banking Laws Amendment (Unclaimed Money) Bill 2015 largely reverses the measure introduced by the previous Labor government in 2012, and this is really about extending the period in which people can claim unclaimed moneys. There has been an extensive process of consultation and discussion. The government has said that this is somewhat of a priority and it has used this opportunity to bring this bill forward. Let us not kid ourselves: this has a considerable direct cost to the budget of $285 million over the next four years, from 2015-16.

When it comes to banking reform, my worry is that the government is choosing to undertake this kind of measure, whereas I believe that banking reform is needed in the area of credit cards, where the government has been very slow and very inactive. We now have a situation where there is $51.5 billion worth of credit card debt in this country, with 33.1 billion of that accruing interest. What does this mean? There has been a 47 per cent increase in credit card balances over the last 10 years. One and a half times the amount of credit card debt exists right now than existed a decade ago. The problem is that a select group of people are being artificially hurt by all of this, and they are the ones who are being hurt the most. According to a submission made by the Reserve Bank of Australia to a Senate inquiry into this issue, 27 per cent of people do not pay off their cards, and the number of cards itself is at the extraordinary level of 16 million. There is now more than one credit card for every person in this country who is eligible to have a card.

You could ask the question: ‘There is $33 billion of credit card debt, and it's accruing interest; who's actually paying?’ because you get out there and there are these fantastic products that look like they are at eight per cent or nine per cent, and credit cards that are not just the cards with the higher rates at 19 per cent to 22 per cent. Here are the facts. The people who are paying interest on credit cards are paying an average spread of 14¾ per cent, while across cards as a whole the spread is nine per cent. What do I mean by that? It is the gap between what it costs to borrow money and what it costs the bank to actually get the money. The cash rate at the moment is two per cent. The cash rate has continuously fallen over the
past five years. Credit card interest rates have not fallen. And not only have they not fallen, but the people who are actually paying the interest—the people in the debt trap situation—are those on the higher rate cards. On average, they are paying 5¼ per cent higher than the average cards that are available.

You ask yourself: 'How has this industry been allowed to perform the way it is? How has this been allowed to occur?' And don't get me wrong—I think this is an issue that has grown and is actually becoming a bipartisan issue. As much as I would love to say that everything was rosy under the previous governments and that this government has failed to act—and this government has failed to act—I think that, while we took some steps in the last government, in hindsight there were more steps that we should have taken, and they are the steps we should be looking at taking now.

I just want to touch on some of these figures, just to understand how profitable an industry this is. There is $8½ billion worth of revenue generated by the credit card industry—and $1.4 billion of that comes from fees. The average fee on credit cards, per card, for every person is $90. It is $90 on average you are paying in fees, either directly or indirectly. The reality is: most people are paying fees without realising they are paying fees. There is $1.5 billion to $1.7 billion that has developed through this entire process of interchange—the inter-merchant fees. And there is $5.4 billion that comes from interest.

Of course the cost of borrowing money in unsecured credit is always going to be more than the cost of lending it, and it is always going to have a reasonable mark-up. That is an understandable development. What I cannot understand, and what no-one has been able to explain to me or to our committee in our inquiry is: why is that gap now at a record level? Why is it that, in the past five years, as interest rates on loans for houses and every other thing have fallen in line with, or at least in relation to, the falling cash rate, credit card rates have remained stubbornly high? Frankly, I think it demonstrates perhaps a failure in this market. There are those in the industry who will talk to you about just how many different products are out there. And it is half true. There are lots of different cards. There are not a lot of different products. You can get a lot of different cards with different kinds of rates and slightly different variations in what they are offering, but they are not fundamentally different products. If you want to shake up this market, you have to open the doors and allow in some fundamentally new products. I think there is a series of big ideas that need to be explored and which we are exploring through this process.

Firstly, we should be looking at the portability of credit card numbers. What does that mean? That means allowing people to take their credit card numbers with them in the same way as you can take your mobile phone number. Ten years ago we had this same problem in the mobile phone market. It used to be that you would go out there and you would buy a Vodaphone phone or an Optus phone or a Telstra phone and, when you did that, you had that number and that number was stuck with that company and you could not move it. To create more competition and to give consumers more power, one of the big reforms we did was to turn it around and allow consumers to have the power to take their mobile phone number with them. I think that is a big idea we should be looking at in the credit card space.

Secondly, I think we should have a discussion about what should be the maximum amount of interest payable on one sum of money. What I mean is this: if I have $1,000 worth of credit card debt then, surely, once I have paid $5,000, $10,000, $15,000 or maybe even $20,000 of
interest on that one amount of money, it should be able to be written off. The idea that you can be in perpetual debt for the rest of your life because of one sum of money, regardless of how many times you have paid it off, is one that needs to change.

Thirdly, I think we need to be looking at putting some kind of floor on minimum repayments. Take credit card debt, and the minimum repayments that are structured over 33 years—or whatever figure the bank chooses. The ASIC requirement is simply that the bank itself is able to determine whether or not you have the capacity to pay. What worries me is where you have such fluid rules and the bank is able to make these decisions. Let us not kid ourselves: the perfect credit card customer is somebody who is too indebted to pay off the principal but so responsible that they are always going to be paying off the interest; that is the perfect credit card customer. And I think there needs to be some more rules. You should have to demonstrate a capacity to pay it back in three or five years—and that is what the British model has moved towards—before they actually lend you that money.

Fourthly—and, again, I am trying to look for some very practical things that we can look at doing—I actually think we need to be freeing up this market more. In some areas it has been overregulated, and I think we have to look at opportunities for new and different types of innovative lending. Things like the peer-to-peer models are exciting, and I think we actually have too much regulation in this space, on the evidence that I have seen to date—too much regulation to allow these new kinds of innovative lending platforms to be able to grow.

Finally, I think we do have to look at how advertising takes place, and what different types of advertising are to be allowed in this credit card space. So I think we need to be looking at practical, reasonable reforms in this area that will shake up the industry.

As to the specifics of the bill at hand—the specifics of what we are talking about here, which is a bill relating to unclaimed money—I think they demonstrate just the enormous amount of reforms that have to take place. And let us be clear: these are not simple reforms; they do have consequences. What is a reasonable proposal to stop situations by allowing a bit more flexibility in terms of the time period for claiming money does have other consequences. It has budget consequences.

We are also looking at things such as credit card reform, and that comes with consequences too. I want to put on the record what is perhaps one of the most legitimate concerns people have about enacting bold credit card reform, and that is that there is a danger of driving people out of the credit card market and into the payday lending, Cash Converters type of market. One of the things we have to be very careful of when we are looking at these kinds of reforms and changes is that we are not driving and pushing people into what I would deem as more dangerous, riskier types of products.

Massive reform is needed. Big changes need to take place. The statistics here are really borne out when you realise that the amount of non-performing loans in the credit card space is actually fairly small. When you consider that you are dealing with unsecured credit, you are only talking about two to 2½ per cent of credit card debt that is not repaid and not able to be reclaimed. So we are not talking about a huge amount of money, but nonetheless you still have that situation where the rates are going up.

We need to look at reforms in this sector as a whole that allow a lot more movement and a lot more flexibility. It is a true statistic that in Australia you are more likely to leave your
spouse than you are to change your bank. I think a little bit more flexibility in that space, a little bit more movement and a little bit more opportunity to have people be able to change from one institution to another will lead to better banking outcomes. Perhaps in other circumstances it has not led to better outcomes, but I think in the banking space it certainly can!

In looking at this Banking Laws Amendment (Unclaimed Money) Bill 2015 the point I am trying to stress today to this chamber is that we cannot look at it in isolation. We cannot have the government say that this one piece of banking reform—and it is a fairly minor piece—is a big deal and a big priority when there are so many other spaces that can be looked at and need to be looked at. I have touched on the credit card space already, but I think that of banking as a whole we really need to be asking ourselves, 'How do we create a more competitive environment? How do we create an environment where there are better options out there for consumers?'

One of the things that worries me is that in the last round of estimates we had a discussion with the head of the ACCC, who was coming before us to give evidence, about the issue of competition within the banking sector. He made the quite honest, certainly accurate and, for me, perhaps a little bit startling revelation that price gouging is permitted and allowed, and what we have is perhaps a lot of price gouging. That does not mean that it is anti-competitive. What it does mean, as I see it, is that we need to be changing the rules to create more competition and to create more of that kind of competitive tension. We have $50 billion of credit card debt, $33 billion of it is accruing interest and consumers out there are suffering. I think people forget that there are real people out there who have found themselves caught in these types of debt traps and situations where they cannot get out. What worries me is that in so many instances credit card debt is behaving like a new form of payday lending. It is behaving as a type of money that people go to when they get desperate, when they have no other options and when there is no other place to go. As a result, they find themselves caught in these traps. Once you are in these traps, getting out of them is so, so difficult.

There are reforms that can take place. There are reforms that should take place. There are reforms that I think can be achieved in a very, very bipartisan way. I want to acknowledge some of the language from the Treasurer in this space because I think it has been the right language and quite strong. This process really began at around the time of the last round of estimates when the representatives and in some cases the heads of four different regulatory agencies—Treasury, the ACCC, ASIC and APRA—came to estimates and said that they could not explain why credit card rates are so high. They could not explain why it is so sticky. They could not explain why this gap between the cash rate and the interest being charged has come to the level that it has.

In response to that, the Treasurer set up a process where, as I understand it, he formally referred some of these matters to be looked at by the Council of Financial Regulators. I think that is a step in the right direction. I think the Treasurer should be congratulated for doing that. I also think that the work the committee is doing in this space is quite strong and will be able to assist with that. Part of the problem and part of the challenge from a regulatory framework is that you have four different agencies all responsible for different parts. ASIC is responsible for the consumers. APRA is responsible for the overall banking industry. Treasury is responsible for policy. The Reserve Bank is responsible for payments.
With the brief period of time that I have remaining I want to touch on the process that is being undertaken by the RBA at the moment. The Reserve Bank's Payments System Board, frankly, in my opinion, needs to be opened up, it needs to be more transparent and it needs to be giving the rest of us a lot more information about how they behave and what they do. When you have the other board of the Reserve Bank—the board that sets interest rates—coming out with minutes and detailed decisions and then you have the Payments Systems Board, the second board of the Reserve Bank, operating in a much more secretive environment that concerns me.

I have said this before and I will say this again: I know that there is a process going on regarding payments to the Reserve Bank. They are taking a longer process then we are taking through our Senate inquiry. I think it would be appropriate if they held off on making their recommendations to allow this public debate, especially on complicated issues such as interchange fees, to happen and to take on board the views of the Senate and the parliament through our committee process before they come to their decisions. I think that would be a sensible and appropriate way of having the parliamentary process feed into the processes that are being taken by them.

There is a big issue of credit cards out there. Today we are talking about a side issue, an amendment of the banking laws. There are some good parts to the legislation and there are consequences to this legislation. The point I want to stress is that this is not something that we can or should do in isolation. When we are talking about banking reform, we are talking about the big bits of banking reform and the big changes that need to take place. I really want to stress that one of the big changes that we can and should make is in the area of credit cards. Too many people are suffering, and there has been too much pain. Frankly, we have a banking sector that in the credit card space has not had the type of scrutiny and the type of competition it should have had. The reforms are simple, but there is no right-left solution to this. The solution is not simply more regulation or no regulation. In some areas I think that removing regulation is going to create a more competitive banking environment, and in other areas we should be looking at legislative changes. To quote the great Tony Blair: 'What matters is what works.' We have to be able to look at a package of reforms and a package of ideas that are going to work. We know what works when consumers get the best outcome. Currently, consumers are not getting the outcomes they need.

Senator McALLISTER (New South Wales) (19:08): I rise also to speak in support of the bill before this chamber and I note the important intent behind this bill, which is, quite simply, the protection of consumers. We need always to be looking at the interaction between consumers, the financial products that are on the market and the financial institutions which of those products.

In government we looked carefully at the costs that were accruing to consumers from inactive accounts—from those accounts which were sitting idle, accruing fees and seeing balances whittled away. The government has reviewed this and has come to the view that it would be preferable, on balance, to link the period before account transfer is triggered to seven years. Labor supports that proposal. The Australian Bankers Association has indicated that this would reduce the administration costs, the marketing costs and their complaints handling costs. Where we can get a good outcome for the industry and a good outcome for consumers, Labor is happy to support sensible proposals for reform.
As my colleague, Senator Dastyari, has pointed out, it is important to think carefully about the broader context in which consumers interact with the finance system. One of the observations I would make from my brief period on the Economics Committee is that it has become very clear to me that finance products are different from many other products which consumers might consider. By their nature, they are significantly more complex and, in particular, they are products which operate over time. For that reason consumers often find themselves experiencing significant difficulties in evaluating what benefits a particular product might confer upon them when compared to other products and what the best product for them and their family might be. There is, of course, a school of thought that says, ‘Well, buyer, beware. It is up to consumers to make their own decisions.’ We live in a society where consumers' ability to allocate the resources to the products and services that they desire is the foundation for efficient resource allocation and the best outcomes for society. That analysis is one that is broadly supported by both sides of this chamber, but we need to recognise that humans find in many cases difficulties and challenges.

We know more and more about human psychology and the challenges that individual consumers might have in making certain kinds of decisions. One of the things that has been drawn to our attention repeatedly in recent weeks on the Economics Committee is the significance of behavioural economics in explaining some of the odd things we start to see in financial markets, particularly when we are looking at retail products for ordinary households and for mum and dad consumers. Senator Dastyari spoke briefly about the credit card situation and the way that insights from behavioural economics manifest themselves in what has been described by a number of stakeholders as a failure of competition in that market. It is puzzling because a rational consumer would observe that they are currently paying very high rates on a particular credit card and that rational consumer might perhaps seek out alternative products which offer a better return on their investment and a better outcome for their family. But, for a range of reasons, that does not seem to happen in this particular market. Behavioural economics offers some explanations about why some consumers might not make good decisions in those circumstances.

Behavioural economics speaks to us about optimism bias—the idea in this case that, when people are evaluating products and rates, they do not consider rates carefully because they imagine themselves to be the kind of person who always pays their credit card debts off on time and thus will be the kind of person who never pays interest on any of their borrowings. But, of course, that optimism is misplaced. Many of the people who believe that to be so about themselves, who want to believe the best about themselves, in fact find that that optimism is misplaced; they do not pay off all of their debt each month and they do find themselves paying interest rates, sometimes very high interest rates.

It is related to another characteristic which is, of course, imperfect self-control. We know why people spend very large amounts of money on advertising, not just in the finance sector but in the retail sector more generally, and that is because it works. As humans we are most susceptible to many kinds of behavioural pushes and nudges that draw us to make decisions about enhancing our immediate wellbeing, even though it may not be in our long-term interest. That imperfect self-control, of course, leads to many people who have easy access to credit living beyond their means, accruing debts—in some cases modest, in other cases catastrophically large—which they are not able to pay off in the period required to avoid
interest repayments. Again, people who find themselves in this situation will not be maximising the benefits for their family, despite the fact that they believe themselves to be making best efforts to do so.

There is another category of human failing that influences these markets also, and that is quite simply the transaction costs associated with acquiring information necessary to make good decisions. In the finance sector, where the information and the products themselves are already confusing—not least because they operate over time—the ability to acquire information that is useful to you as a consumer to make good decisions is sometimes dependent on an investment of a very large period of time and intellectual energy. To be honest, I know that in my family there is quite a lot going on. There are kids, there are bills, there is work, there is social life and, of course, for all of us in this chamber there are the political organisations that we belong to and the organisations in the community that we seek to support. In that context, spending the time to seek out information about the range of products that might be on the market, comparing them and making an evaluation about the extent to which they are suitable for you or your family, is an investment of time that many people find difficult to make.

One of the recommendations that we are seeing coming through very strongly from the Senate inquiry process is about the simplification of the information available to consumers when they are choosing products and making sure that comparing apples with apples is something that is simple to do, and making sure that people's eyes are drawn to the right thing when they are choosing a financial product, the thing that is most in their interest as consumers. What we do know from survey information is that, when people are making decisions about what products to choose, they are often focusing on entirely the wrong thing. They are looking at how it is going to go in terms of rewards points; they are considering whether or not it is a product that is sitting with their existing financial institution. They are, in most instances, not looking at the rate of interest payable and they are certainly not looking at the fine print about the penalty interest rates that might apply should they find themselves in financial difficulty.

One of the things that we see in terms of recommendations are about greater information and better information to be made available to consumers by the providers of retail products.

Senator Dastyari spoke about the human costs of the failures of competition in this sector and the market failures which are delivering suboptimal outcomes for society. Some of the evidence that we have heard in the credit card inquiry, in the managed investment products inquiry, have been shocking indeed. I will admit that I have been close to tears hearing stories from some individuals whose lives have been comprehensively turned upside down by interactions with institutions and financial advisers who have served them poorly and served the interests of them and their families very poorly.

Senator Williams: It has been terrible.

Senator McALLISTER: It has been terrible, Senator Williams. One of the areas that I am most keen to see addressed are some of the particular impacts that fall upon women—

Debate interrupted.
ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! I propose the question:

That the Senate do now adjourn.

Sugar Industry

Senator WILLIAMS (New South Wales) (19:20): Mr Acting Deputy President, it may come as a shock to you, or perhaps it would not, that everything that is said in this chamber is not necessarily true or correct. It would not be a shock to you. I heard your explanation today about how you were being misquoted again. I just want to refer to Senator Lazarus: on Wednesday, 19 August, during statements by senators, he used his time to criticise the government for not doing anything for the sugar industry.

Following the 2013 election, I became Nationals duty senator for the electorate of Richmond. On one of my visits to the electorate in August last year it was suggested by the President of the Tweed Heads Chamber of Commerce and Industry, Matthew Fraser, that I needed to talk to the Tweed River Canegrowers Association about some looming problems they and their Queensland counterparts were facing. So that meeting was arranged, and I met with Dave Bartlett and other growers at the Condon Mill office at Murwillumbah and they explained how their industry works. It was clear their future was uncertain because of the looming dominance of big companies like Wilmar and the likely effect on grower returns. As I listened, I was wondering where the Labor member for Richmond, Justine Elliott, was. Surely she should have been in there fighting for this industry, but she was nowhere to be seen.

On return to parliament, I spoke with my Queensland Nationals colleague, Senator O’Sullivan, and he too was aware of the issues in his state, so we co-sponsored a Senate inquiry into the sugar industry that handed down its report on 24 June. I do not propose to go into the details of that report here because it is all on Hansard, but the committee recommended a mandatory code of conduct be adopted and that millers need to come to the table in good faith in negotiations with the growers.

At the same time as that inquiry was going on, an LNP committee headed by the member for Dawson, Mr George Christensen, handed down a code of conduct for the sugar industry. The purpose of that code is to regulate the conduct of sugar millers, sugar port owners and cane producers to ensure fair and transparent access to sugar-milling services, to ensure choice regarding marketing services and to provide for mechanisms to negotiate disputes. The code states that a sugar miller must enter into a cane supply agreement, or enter into negotiations about the terms of a cane supply agreement, with a cane producer if the cane producer has applied to the sugar miller to enter into a cane supply agreement. It makes clear that a sugar miller and a cane producer must at all times deal with each other in good faith, and if there is a dispute it would go to an independent arbitrator. I congratulate the member for Dawson and his colleagues on the enormous amount of work they put into developing this code.

On 19 August, Senator Lazarus came in here grandstanding, saying he was going to be the champion of the Queensland sugar industry—right!—despite playing no part in the inquiry which was trying to find a solution. Did Senator Lazarus make a submission to the inquiry?
Senator O'Sullivan: No.

Senator WILLIAMS: Not at all. Did he attend any of the three hearings?

Senator O'Sullivan: He did not.

Senator WILLIAMS: No, he did not, Senator O'Sullivan. Why hasn't he spoken on the Senate committee report? He has had plenty of opportunity to do so. The self-declared champion of the sugar industry has not fired a shot. Senators Sterle and Bullock travelled all the way from Western Australia for the hearings in February. I travelled from northern New South Wales. Senators O'Sullivan, Canavan and Macdonald came from various parts of Queensland. But Senator Lazarus could not even step out his front door! I am sure the senators who took part in the inquiry are, like me, disgusted by his comments after all the hard work we put in over the weeks of the hearings. A check of Hansard reveals that, before Senator Lazarus's speech on 19 August, he had only mentioned the sugar industry once in his 15 months here. That was in his maiden speech. That is how much of a champion he is of the Queensland sugar industry! We met with the cane growers. I had them in my office. We took evidence from them at Murwillumbah, Mackay and Townsville. We heard about their problems, we questioned the millers and so on.

Between the time Senator Lazarus became an independent on 15 March this year and these sittings, he has voted in divisions 21 times with the government, 40 times with the opposition and 51 times with the Greens. As for his opening remarks in his speech on 19 August that the Abbott government has no regard for industry or jobs, we know where he stands on the China-Australia Free Trade Agreement because he was one of the speakers trotted out by the Electrical Trades Union at a rally in Brisbane in July. Maybe Senator Lazarus is interested in learning that the signing of the Japan-Australia Free Trade Agreement has resulted in the doubling of exports of mangoes in the first three months of the year. Tell the growers around Mareeba, Burdekin, Rockhampton and Bundaberg that that is not good news!

The truth has to be spoken here. Senator Lazarus has not stuck up for the people who elected him. He was elected as a conservative, not as a left-wing socialist Green—which is what his votes in this place are showing—and he ought to look at the people who voted him in. (Time expired)

Superannuation

Senator McALLISTER (New South Wales) (19:25): Tonight I want to talk about an issue that is significant for low-income earners and significant for women—women like Barbara. Barbara is a teachers aide from Queensland, and in 2014 she earned less than $37,000. Fortescue Metals earns a little more than Barbara! In 2014, it made a US$2.7 billion net profit, up 56 per cent on 2013. Barbara is over 50. She has some concerns about the future, and she said to her union, United Voice, 'I'm looking at the end of my working life and find myself asking, "Do I have enough?" With the cost of basics forever going up, I just don't know if I'll be able to support myself.' Fortescue is a little more bullish about the future than Barbara. After posting its 2014 results, its CEO stated:

Fortescue's record net profit reflects an outstanding performance across all areas of our operations. Fortescue and Barbara—two Australians, each contributing in their own way.

One year ago, the Abbott government took from Barbara to pay Fortescue. It legislated to cease a program that helped low-income Australians save for retirement, in order to partly
fund the repeal of the minerals resource rent tax. I am here to eulogise that program, the low-income superannuation contribution scheme. It was a good program, a program that made sure people earning less than $37,000 did not have to pay more tax on their super than they did on their ordinary wages; a program that helped families on low incomes save for retirement; and a program that the Institute of Public Accountants supported on equity grounds, because it restored some balance. Thanks to the Abbott government, this program will cease to operate in 2017.

Yesterday, the government tabled reports by the ATO on how the low-income super contribution scheme has gone thus far. The reports tell us a positive story. Over 2.6 million Australians were helped during the 2013-14 financial year, with the quarterly report suggesting a similar number for the 2014-15 financial year. What those reports do not contain, however, are the stories that lie behind these figures.

Thirty-seven thousand dollars a year is not a lot of money. The people who have been helped by this program are honest people working honest jobs. They are teachers aides, security guards, cleaners and shop assistants, and for the most part they are women. Women vastly outnumber men as low-income earners. Part of this is due to the gender pay gap, which sees lower wages paid in female dominated professions. Part of this is due to women bearing the bulk of caring responsibilities and needing to take flexible or part-time jobs to care for their children, their loved ones or their parents. Whatever the causes, the results are very clear: women face retirement insecurity. From the age of 35 until retirement, men typically have double the superannuation of women, and 35 per cent of women have no super at all.

This is not a lifestyle issue. It is the cause of real hardship. More single women over 60 live in poverty than any other social group in Australia, and this problem is not likely to disappear. Most women who will retire in the next 20 years do not have enough superannuation to allow a modest retirement. They are women like Barbara.

The low income super contribution could not solve this problem on its own. There is no simple solution to the retirement insecurity that faces women and low-income earners more generally. But the Low Income Super Contribution did at least provide people on low incomes with at least a little more peace of mind. It was a program that directed assistance at some of Australia's more vulnerable workers. And in cancelling it, the Abbott government has directed its contempt at some of Australia's most vulnerable people and their families. (Time expired)

**Australian Border Force**

**Senator LEYONHJELM** (New South Wales) (19:30): Mr Acting Deputy President, I plan to recite a poem. You will recognise its origins but the subject matter is contemporary:

There was movement at the station, for the word had passed around
That the cops from Border Force were on their way,
And had joined the tram conductors—'tickets please' would be the sound,
And 'your papers please'—'you may have over-stayed'.
All the armed and muscled black shirts, led by their new czar
Were primed and ready for a fight,
For the black shirts love to hunt where the brown and black boys are,
And the Commish sniffs the limelight with delight.
There was Von Quadbike, who left the cops to run the Customs crew,
He stripped them of their cardigans and smiles;
He injected fear of migrants and scary imports too,
No journalist could peek into his files.
And Tony, Scott, and Peter were keen to lend a hand,
Giving power to the black shirts warmed their souls;
With weekly tales of freedoms to be banned,
It's the best way to pick up in the polls.
And one was there, a pollie with a thin and reedy bray, Nothing like the statesman that we need,
If the black shirts want a crackdown Mister Shorten will obey, Foreign workers are a problem, he agreed.
But the people saw the press release and rallied in the streets, This should not happen to folk with different skins.
We like to think Australia is young and free;
And to jaywalk while brown is not a sin.
The crackdown—it was cancelled—and now Shorten's white with foam, While pollies claim they never saw the plan.
But Border Force is still on foot, the black shirts free to roam:
Our freedoms only safe 'til next week's scheduled ban.

O'Shea, Mr Pat

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (19:32): I rise tonight to pay tribute to a very prominent and great Queenslander, the late Pat O'Shea, who was lost to us just recently. Pat O'Shea was a great identity in my state, particularly in the Darling Downs and the Lockyer Valley areas. He was actually known as the 'Voice of the Darling Downs', having started a career in media in about 1978. He went on to serve the people of our region and our state for over 30 years. He was a very respected media personality in both radio and television, particularly in the area of sports and most particularly in the area of racing. But Pat did not just concentrate on calling races. He was also a caller of football, boxing and any other number of competitive sporting events throughout the region.
More recently, Pat took on the role of the sports reader for a local TV network, again with a distribution that was broadly through the Darling Downs and the south-east part of Queensland.

Pat was prominent in racing circles and was often responsible for introducing people to what he and others referred to as the 'sport of kings'. Pat would often lead large delegations out of Queensland to allow people to walk them through the wonderful experience of the Melbourne Spring Racing Carnival. Pat was also well known as a tipster. Many people relied on his advice and many reported sound wins on the back of Pat's tips for the Saturday races. A close friend of his, Des McGovern, remembers most prominently an event at the 'Brisbane dogs', where they were having a celebrity hurdle race, and Pat had entered as a celebrity identity. By that time, Pat was no longer the captain-coach of the Whites football club—All Whites in Toowoomba—and had apparently put on a few pounds. So he had attracted not bad
odds from the bookies who were at the dogs that night, getting 30 to 1. Des remembers that he and Pat wagered $50 and $20 each way, respectively. Des also remembers Pat being way out in front. He describes it as 'a mile in front' before Pat was inflicted with a condition known as 'platted legs', with him burying his nose into the turf—apparently leaving both of them with insufficient resources to have the traditional Chinese dinner on the way home from the races.

While that will be Des' memory, along with others, Pat will obviously be remembered by his family as being a wonderful partner to Cecile, a great father to James, Kate and Karen and a terrific grandfather to his three grandchildren. Pat has been taken away from his family and from us all far too soon. He will be greatly missed by the people of the Darling Downs in Queensland. More broadly, Pat will be remembered for his mateship, his decency, his integrity and his unselfishness as he put tens of thousands of hours over the decades into community services, not just in sport but in chairing community events at no cost, as is the case with many prominent people in the media in our area. He was a true professional in the media and in all the work that he did. I am prepared to make the call tonight that he was probably the best, longest-serving and most professional sports media identity in my home state. Can I say, Pat, whilst you are gone, there are tens of thousands of Queenslanders, particularly around the Darling Downs and the south-east part of our state, who will never forget you. Rest easy.

Wunungmurra, Mr

Senator PERIS (Northern Territory) (19:37): I rise this evening to pay tribute to a great Northern Territorian and Yolngu leader who passed away last month in north-east Arnhem Land. Last Friday, at Yirrkala, I attended the state memorial service for Mr Wunungmurra. Mr Wunungmurra was born at Yirrkala in 1946. He grew to be a ceremonial leader of the Dhawangu nation of north-east Arnhem Land. His homeland is Gurrumuru. In the Yothu Yindi Foundation's statement on his passing, he was acknowledged as a senior dilak, a friend of all Yolngu people, a careful adviser in difficult times and a man who has shown his people that there is a place for Yolngu people in the future. Yothu Yindi chairman Dr Galarrwuy Yunupingu, a cousin and life-long friend, said Mr Wunungmurra was passionate about Yolngu education and employment. He said:

We were sent by our fathers to Methodist Bible College to be leaders of the future. Far from our families we supported each other and began a life-long collaboration on behalf of our people.

My cousin served his people always and was a close adviser to the Yolngu leadership, as well as playing his own role.

He was also a brilliant sportsman and a champion footballer who showed many young Yolngu men how to play the game.

An educator and a teacher at Yirrkala school, Mr Wunungmurra also served with distinction as the chairperson of Laynhapuy Homelands, the Yambirrpa School Council and the Northern Land Council. He was a key player in the establishment of the Miwatj Health Aboriginal Corporation and was instrumental in forming their cultural integrity policy. He also helped establish Miwatj Aboriginal Legal Service as well setting up the Dhimirru ranger groups. As one of 12 signatories to the landmark 1963 Yirrkala bark petition, and interpreter in the Gove land rights case, Mr Wunungmurra was honoured at the recent Garma Festival for his lifetime of advocacy on behalf of his Yolngu people. The citation of that award described him as one of the greatest of modern Yolngu leaders and a trusted confidante of many.
In 2007, Mr Wunungmurra was elected the chairman of the Northern Land Council, the peak Aboriginal land rights body for the Top End of the Northern Territory, a position in which he served with distinction for two terms. In an open letter to the Northern Territory Chief Minister at the time, Terry Mills, published in the *Northern Territory News* in 2013, he said:

> In 1963 I signed the historic bark petition which opposed the Gove refinery and bauxite mine and started the land rights movement, and which is now displayed in Parliament House, Canberra.

> In 2011 I signed the historic mining agreement with Rio Tinto Alcan which guarantees the refinery and bauxite mine for another 42 years.

> How the wheel turns!

> What was conflict is now agreement, what was dispute is now Yolngu and Balanda people working together.

> This was a great achievement.

The current NLC Chairman, Mr Samuel Bush-Blanasi remembered Mr Wunungmurra recently, saying:

> In his last report as NLC chairman, Mr Wunungmurra wrote that land and culture underpinned the existence and survival of Aboriginal people, and he said the NT Aboriginal Land Rights Act had to be protected and preserved.

> His life was dedicated to land rights, and he was a fierce protector of those rights. My father and this old man worked together at the Northern Land Council. My father is the executive member for West Arnhem at the NLC, and he always spoke fondly of Mr Wunungmurra as chairman. They became great friends as result of their work together. They both believed in the importance of protecting the land rights of everyone in the Top End, and of Aboriginal people across Australia.

> He always believed that to walk in two worlds Yolngu children needed a good education. He cared about his people. He understood his people. He was able to deal with his people so well because he had the thoughtfulness and vision for them. Mr Wunungmurra's long-term dream was to see Aboriginal people and their culturally inherited rights enshrined in the Australian constitution. He understood the good that could come from this change. Sadly, he never got the chance to see this dream come true. But his efforts to achieve this goal will never be forgotten. I applaud the Northern Territory government for offering his family a state memorial service. I will end with one of Mr Wunungmurra's favourite quotes:

> Do not walk behind me, as I may not lead.

> Do not walk in front of me, as I may not follow.

> Walk beside me and we can truly walk together.

> Every Yolngu child can live their dreams. But they must learn to walk in two worlds.

> My deepest condolences go to his family, his friends, the Yolngu people and his colleagues at the Northern Land Council.

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McIver, Mr Bruce

**Bruce Highway**

Senator McGrath (Queensland) (19:42): Tonight I want to talk about two Bruces—one briefly and one in more detail. The first is Bruce McIver, the President of the Liberal-
National Party, who announced this week that he was stepping down as our president, and his
last state executive meeting will be in Longreach on 25 September. On behalf of LNP
senators I thank Bruce for his many years of work for our great party, and at a later time I will
say more about his work for the cause of freedom and liberty in Queensland.

Tonight I want to talk about the Bruce Highway—a very important road in Queensland. If
anything, the Bruce Highway sums up Queensland—1,700 kilometres in length from Cairns
to Brisbane.

Senator Polley interjecting—

Senator McGrath: It is interesting that Labor senators opposite are interjecting—they
do not understand the importance of the Bruce Highway to Queensland. It supports 58 per
cent of the state's population and tens of thousands of jobs, especially in regional Queensland.
Based on the interjections opposite, the Liberal-National Party is the only party in Queensland
that supports the Bruce Highway. I am very proud of this coalition government's commitment
of $6.7 billion to improve safety, capacity and flooding risks along the stretch from Cairns to
Brisbane.

It is time to do a bit of a report card on the Bruce Highway. I will quickly run through the
Boost the Bruce campaign. Up in Leichhardt we have Warren Entsch doing fantastic work,
especially along the southern growth corridor to Edmonton. More work needs to happen
there, but that is for future budgets. In Kennedy we have a fantastic candidate, Noeline Ikin,
who won that seat last time on primary votes but Labor preferred Bob Katter over the line.
She is working hard for overtaking lanes and flood proofing of the Bruce Highway south of
Ingham. In Herbert we have Ewen Jones who is working with George Christensen, whose seat
of Dawson is up there, to duplicate the Bruce Highway between Vantassel Street and Cluden
Drive. Outside of Townsville, the coalition has committed $412 million to the long-
awaited Haughton River bridge project. This project will see construction of a higher-level bridge and
road approaches to address flooding concerns at this notorious spot, improving freight
efficiency for north-south truck movements. Ewen and George should be commended and
given an 'Order of the Bruce Highway First Class' for their work in helping to build up and
boost the Bruce.

Also, around Mackay, we have the $565 million ring road project. This project is going to
boost employment, in an area that is struggling at the moment, with 600 jobs directly. The
ring road will take heavy vehicles off local roads and will help with the construction of 14
new bridges to improve local traffic and flood mitigation.

In Capricornia in Central Queensland—I drove this on the weekend with Michelle Landry and
Matt Canavan—in the stretch between Mackay and Rockhampton some progress has
been made, but we need more overtaking lanes there to improve this long stretch of the Bruce
Highway.

Just south of Gladstone, in the seat of Flynn with Ken O'Dowd, the coalition government is
putting in $8 million to build new north- and south-bound overtaking lanes, delivering
additional opportunities to safely pass larger vehicles. The senators opposite are laughing
about this, but the Bruce Highway is a very, very dangerous road. It is a very thin road in
places. This coalition government should be commended, and Ken O'Dowd should also get an
'Order of the Bruce Highway First Class' for his work.
In the Bundaberg region, my very good friend Keith Pitt has been doing fantastic work to get an extra $7.1 million to improve drainage south of Torbanlea, $8 million for three intersections near Childers and $6 million for an overtaking lane north of Howard.

Senator O'Sullivan: Don't forget the Range Crossing!

Senator McGrath: We have the Range Crossing coming up too, which the mob opposite do not support. In Wide Bay Warren Truss, who is the chairman of the 'Order of the Bruce Highway', has done fantastic work in relation to the Cooroy to Curra section. Then down on the Sunshine Coast, where I live, we have Mal Brough, Wyatt Roy, Peter Dutton, Luke Howarth and Ted O'Brien pushing for upgrades to the Bruce Highway to six lanes between Brisbane and the Sunshine Coast, and to improve the Gateway Motorway between the Deagon Deviation and the Bruce Highway to reduce the flooding impacts on the Bruce Highway. Every time it rains in Queensland—during the summer season it is sometimes every week—the Bruce Highway is cut off.

Senator O'Sullivan: The Range Crossing!

Senator McGrath: Don't forget the Range Crossing! But also sign the petition at boostthebruce.com.au. Sign the petition and support our calls to boost the Bruce Highway.

Milby, Mr Bill

Senator Lines (Western Australia) (19:47): I was amazed last week to hear the Prime Minister, at a doorstop interview in Armadale in the seat of Canning, call a cruise ship operator based in Broome a liar. When asked about a report that a federal bureaucrat advised a Broome cruise ship owner to sack his local crew and employ people from overseas, the Prime Minister responded by saying, 'Well, it's just not true. It's just not true,' thereby labelling Mr Bill Milby a liar.

Mr Milby was concerned about the Abbott government's proposed shipping changes, which, if passed by this parliament, would remove Australian flags from the back of ships, sacking Australian seafarers from good jobs with good pay and replacing them with cheap foreign labour. Mr Milby employs 60 Australian staff, living in Broome and Perth. Mr Milby was very concerned that if this bill passed it would signal the end of his business, North Star Cruises. Mr Milby spoke to the Deputy PM, Warren Truss, warning him that changes to the Shipping Act would put North Star out of business. Mr Milby was referred by the Deputy PM to the Department of Infrastructure, where he met with officials on two occasions.

In evidence to a Senate inquiry Mr Milby said that he was told at these meetings that he should replace his 60 true north Australian crew with foreigners. These officials have now confirmed, through the Senate inquiry, that they did indeed give this advice to Mr Milby.

So far we have had the Prime Minister call out Mr Milby as a liar and the Deputy Prime Minister mislead parliament when, on Monday, he claimed the advice about foreign workers was not given. And today Mr Truss went further. For a government which is supposedly on about jobs and growth, Mr Truss described the job losses and job security in the shipping industry as 'trivial issues'.

Sixty Australians losing their jobs on the advice of the government and an operator going out of business is far from trivial. I am sure all Western Australians find these comments disgraceful, particularly given the Prime Minister made these comments whilst campaigning
in the seat of Canning on jobs and growth. How can voters in Canning believe anything Mr Abbott says when he is prepared to call a Western Australian business owner a liar?

The Prime Minister and his deputy owe Mr Milby a sincere apology. Mr Milby's reputation has been trampled by the Prime Minister and the Deputy Prime Minister because they failed to tell the truth. Imagine how you would feel if the Prime Minister of the country, at a media event, described you as not telling the truth. We have this big, giant Prime Minister against a Western Australian who is trying to run a business, who employs Australians and who was told by the very same government to just get rid of them and get cheap foreigners in.

It is shameful that any government would openly canvass removing the Australian flag from the back of ships and raise the white flag on Australian seafaring jobs. It is in our national economic, environmental and security interests to retain a viable shipping industry—good jobs backed by a strong union in the MUA.

It is now six days since the Prime Minister said: 'Well, it's just not true. It's just not true.' The truth is well and truly out there. How much longer will Mr Milby have to wait for an apology from the Prime Minister and, indeed, the Deputy Prime Minister, Mr Warren Truss? How much longer do they have to wait? I tell you, as a Western Australian who is proud to represent Australian jobs and stick up for Western Australian workers, that I am counting the days. Today it is six days since the Prime Minister said that, so let's see if there is an apology forthcoming tomorrow. It should not be only a verbal apology; he should also take the time to write to Mr Milby, because he has certainly trashed his reputation. An Australian employing Australians is something that everybody in this place should be proud of and we should all applaud—not trample Mr Milby's reputation into the dirt.

National Child Protection Week

Senator CAROL BROWN (Tasmania) (19:52): I rise to speak on an issue of critical importance today: the safety and wellbeing of children across this country. This week is National Child Protection Week in Australia. In its 25th year, National Child Protection Week is a reminder to all Australians that 'Protecting children is everyone's business'. We all have a part to play in promoting and protecting the safety and wellbeing of children and young people. This is not a role that can be left to child protection workers, police and teachers. We must work to empower all families and all communities to play their part. The evidence shows that there is much for us to be doing. As the Australian Institute of Health and Welfare publication Australia's welfare 2015 notes, more children are now receiving child protection services. In 2013-14 about 143,000 Australian children aged zero to 17 received child protection services, compared with 135,000 in 2012-13. In 2013-14 this was one in every 37 children. Of these children, about 123,000 were aged zero to 14.

The National Association for Prevention of Child Abuse and Neglect, NAPCAN, the national coordinator of National Child Protection Week, aims to raise public awareness of child abuse and neglect and its impacts. NAPCAN also works to provide individuals and communities with the information and resources they need to take action. Each of us in this place would be well aware of the consequences of people not playing their part—what happens when people do not take action. We have all read tragic stories of children harmed or even killed by people who were meant to love them and care for them. We have all seen the heartbreaking cases of children harmed or killed when the system breaks down—when the system fails them. This is not an issue limited to one state or to one community; this is an

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issue that touches families and children across this entire country. However, we do know that there are barriers and parental problems, such as substance misuse, mental illness and family or domestic violence, which result in negative outcomes for children. But we also know that there are amazing individuals and organisations working in communities across the country to provide innovative programs to support families and children.

In National Child Protection Week the work of some of these organisations is recognised through the NAPCAN Play Your Part awards. The Play Your Part awards recognise individuals, communities and organisations that have played their part to prevent child abuse and neglect. Today NAPCAN recognised six Tasmanian organisations for their efforts in child abuse prevention. Mission Australia, Good Beginnings, Hobart City Mission, Baptcare, Pittwater Community Centre and the Jordan River Services were acknowledged for their integrated family support service alliance. The south-west region integrated family support service provided by this alliance focuses on increasing the wellbeing and safety of children, young people and families by providing support and resources to build family strength, resilience and capacity. These organisations provide a comprehensive range of case management services for children, young people and families which are flexible to the needs of each family. This can include anything from practical parenting skills and time management skills to supports to deal with the impact of mental health issues or substance abuse. This kind of collaborative approach is critical to achieving good outcomes for vulnerable and at-risk families and children. I commend these organisations and their hardworking staff and volunteers for the incredible work that they do in these communities in Tasmania. I also commend the other recipients of the Play Your Part awards. I also take this opportunity to acknowledge the work of the Parliamentarians Against Child Abuse and Neglect, particularly the convenors, Senator Catryna Bilyk and Mr Ken Wyatt.

All governments, businesses, not-for-profit organisations, communities, families and individuals have a role to play in keeping children safe and well. This is a job that is simply too important for us to fail at. We cannot continue to fail Australia's children. We cannot let them slip through the gaps. We cannot let them fall prey to poor systems and communication. We cannot walk by. We must take action.

Royal Commission into Trade Union Governance and Corruption

Senator LINDGREN (Queensland) (19:57): Today in this house we saw a motion about a respected member of the legal fraternity that has placed the Senate in unconstitutional territory. The exposed corruption and vile behaviour of the union movement has been displayed for all to view at the breakfast table, at the barbecues of our households and in living rooms around the nation—and the workers of Australia are disgusted. What do the Labor Party do in the face of the massive backlash from ripped-off employees and broken employers? They go after the head of the inquiry that is exposing them and they try to irreparably blemish his name and shut down the instrument that will deny them campaign funds in the future.

I noted last Monday that the comments from the ACTU boss, Dave Oliver, included the words, 'The royal commission is terminally tarnished.' I think that when he spoke those words he was in fact referring to the labour movement in Australia. 'Terminally tarnished' is exactly how the union movement looks, thanks to the findings so far of the Royal Commission into Trade Union Governance and Corruption. The debate that we find ourselves in today is
reminiscent of the protection rackets that were run on the streets of Chicago in the 1920s—the cash cow must be protected at all times. Just substitute whisky and mafia with unions and the Australian Labor Party. Those opposite have no choice but to attempt to shut down the very thing that will make them irrelevant—the financial arm of the ALP: the union movement. Those opposite realise that this inquiry may very well see them being exiled into distant memory, much like the thugs of those vicious Chicago days. That is why Labor chose to play the man. They always choose to play the man. When it comes to the harsh reality of explaining the abhorrent actions of their union comrades, the earthy tones of Paul Simon and Art Garfunkel spring to mind:

Hello darkness, my old friend
I've come to talk with you again.

The Labor Party keep regurgitating the words 'politically motivated witch hunt' in reference to this royal commission. Nothing could be further from the truth. This commission has been welcomed by Labor luminaries such as Paul Howes and Martin Ferguson. Those opposite are the provedores and purveyors of the cheap and nasty when it comes to beating up their opponents via political means. As of today, you can even include a witness at a royal commission.

I ask those here tonight to cast back in their memories to the chamber on Tuesday, 30 September 2014. On that day Senator Lazarus moved a motion to start a Senate enquiry into the Queensland LNP government—a political witch-hunt. What was the voting regarding that motion? Those opposite have articulately stated they do not support political witch-hunts. So let's recall the vote. Who wants to take a trip down memory lane here? The vote was 30 to 27 in favour. I cast my eye down the list and there was not one ALP name listed as being against that political witch-hunt—not one. I was not here on that day, but I bet my colleagues were completely shocked. They were so shocked that they called a division. We sit here and hear the ALP state that they do not approve of political witch-hunts. My colleagues concluded that there had obviously been a mistake in the recording of the votes. But—surprise, surprise!—after the division there were still zero ALP names that had voted against a political witch-hunt. How hypocritical was that, and what a disgrace it was to the proceedings of the Senate.

Here today we see yet again that the Australian Labor Party are simply intent on dragging this great chamber through the vile entrails of their own making to extract some type of perverted revenge for their corrupt union mates. Frankly, this disgusts me. The howls of indignation from those opposite about the Hon. Dyson Heydon AC QC are an attempt to distract and detract from the Royal Commission into Trade Union Governance and Corruption. Those opposite are afraid of what may be uncovered, and rightfully so. After all, some clangers have come out of this royal commission. I am aware that some of my colleagues have already highlighted them, but I am going to go through them again so that everyone in this chamber can hear them once more.

You could not dream up things like this—for example, CFMEU officials Brian Parker and Darren Greenfield consorting with underworld crime figures, standover men, bikies, career criminals and jihadists; Comancheros being used as debt collectors; and Bill Shorten accepting a $40,000 donation from construction companies to pay the wages of his election campaign director in 2007—
Senator Moore: Madam Acting Deputy President, I raise a point of order. I think the recent comment by the senator referring to CFMEU officials as 'jihadists' is a true reflection. I have been very patient, but I think that is one word too far.

The ACTING DEPUTY PRESIDENT (Senator Peris): There is no point of order. Please continue, Senator Lindgren.

Senator LINDGREN: which he did not disclose until two days before the royal commission asked him about it under sworn evidence. Then we hear that, when Bill Shorten was the National Secretary of the AWU, workers were deprived of penalty rates, public holiday pay, overtime and shift loadings. Again we hear the name 'Bill Shorten'.

Senator Moore: Madam Acting Deputy President, on a point of order: it would be useful to remind the senator to refer to Mr Shorten by his title.

The ACTING DEPUTY PRESIDENT: I do remind you to do that, Senator Lindgren.

Senator LINDGREN: I accept that and I apologise. This time he and his best mate, Cesar Melhem, were apparently involved in false invoices and the Industry 2020 slush fund. The private details of over 300 construction workers were leaked by the construction industry superannuation fund, Cbus, to the CFMEU. As a result of these leaks, construction workers were contacted, intimidated and threatened by CFMEU officials.

Allegations were made in the royal commission that the CFMEU had threatened contractors at the Pentridge Village residential development site to sign a CFMEU enterprise agreement and had pressured construction workers to join the union or otherwise face being black-banned. ACT Police arrested a former construction union organiser and previous Labor Party sub-branch president after he admitted to accepting tens of thousands of dollars in payments from tradesmen to help them win work. Could it be these types of truth bombs that have the Labor Party and their union mates running scared? The lady in this case, Senator Wong, doth protest too much, methinks!

The grandstanding by those opposite is a diversion tactic that is distracting attention from the real issue—the ALP and their union mates. They deny everything, admit nothing and make counteraccusations. First they thought they had an escape mechanism by highlighting that Justice Heydon was to be the keynote speaker at the Sir Garfield Barwick address. It should be noted that none of the Barwick lectures are of a political nature. They are of a legal or constitutional nature. The audience of the lecture is the NSW Bar Association. No profit is made. No funds are raised. The event is not designed to run at a profit or a loss. This is clearly not a political fundraiser. Those opposite have been known to draw a long bow, but this takes the cake.

Those opposite are trying to suggest that another way Justice Heydon is implicated in political bias is that he was on a panel that selected the Prime Minister as a Rhodes scholar some 35 years ago. Justice Heydon is a Rhodes scholar and not a unionist who gives out awards to his mates. Justice Heydon in 1980 did not have a magical crystal ball to look into the future. But I bet if the ALP had a crystal ball they would have never put up Kevin Rudd, Julia Gillard or the opposition leader, Bill Shorten, as their leaders. I wonder how many government appointments made by the other side, royal commissioner or otherwise, have had a connection to the Labor Party or unions. I say to those opposite: move on, move forward
and let the royal commission do its job. Let Australia's most eminent legal mind and a long overdue inquiry clean up the pathetic, tragic injustice of union corruption.

Ukraine Independence Day

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (20:06): As co-chair of the Australian-Ukraine Parliamentary Friendship Group I take a keen interest in Ukrainian issues. Recently, I had the pleasure of celebrating Ukraine Independence Day with members of Hobart's very active Ukrainian community at the Ukrainian hall in Moonah. I would like to thank the organisers of that event for making me, my husband and my son so welcome. The fact that Bilyk is a Ukrainian surname might have had a bit to do with it! We do a lot with that organisation and they are a very welcoming group.

Tasmania has a significant Ukrainian community, with many Ukrainians emigrating to Tasmania in the 1950s to work on the Hydro-Electric Scheme. My father-in-law was one of those immigrants, although he did not work on the Hydro-Electric Scheme. He was an immigrant to Tasmania in the 1950s and originally went to the West Coast to work. Members of the community celebrated Ukraine Independence Day with an informal lunch of traditional Ukrainian vereneky, which, for those who do not know, is a kind of dumpling with sour cream, followed by a BBQ. While the Ukrainian-Australians were happy to see old friends again and to catch up on each other's lives, there was concern amongst the group as they thought of events that continue to happen back in Ukraine. They were thinking of friends and loved ones and the places that they knew when they were younger. Gathered together, they also raised a small but very welcome amount of money which is being used for humanitarian efforts in Ukraine.

The 24 August holiday is a commemoration of the Declaration of Independence of 1991 from the USSR. It marks the day when they left the USSR and arose as a new nation that is proud of its history and its culture. Unfortunately, though, it is a nation that has been racked recently with conflict and unrest. In particular, over the last couple of years, Ukraine has become the scene of a number of conflicts. The internationally recognised Ukrainian territory of Crimea was annexed by the Russian Federation in March 2014. It was done illegally and with the condemnation of the international community, including Australia. Crimea was annexed simply for its military potential, being the home of Ukraine's major Black Sea port, which before the collapse of the USSR was a major military asset that they have been wanting back ever since. It was a blatant political power grab by Russia.

In addition, beginning in March 2014, demonstrations by pro-Russian and antigovernment groups took place in the Donetsk and Luhansk oblasts of Ukraine, together commonly called Donbass. These rapidly expanded into armed conflict and have become known as 'The War in Donbass'. While officially Russia just sympathised with the separatists, at one point there were thousands of Russian troops inside the borders of Ukraine. Russian backed separatist fighters themselves talked about the thousands of Russian troops that they were fighting alongside. The leader of the separatist Donetsk People's Republic, Alexander Zakharchenko, admitted that there were serving Russian soldiers among his fighters, but claimed they were volunteers who were taking a holiday in the region. He said:

Among the Russian volunteers there are many former soldiers, who are fighting alongside us and understand that it's their duty ... we also have current soldiers, who decided to take their holidays not on the beach, but among us.
This would be a laughable statement if it were not so serious. Militaries around the world do not have a habit of letting their soldiers fight wars on their holidays. Also, satellite imagery showed Russian heavy weaponry inside the borders of Ukraine. We know that the Russians have supported, financially and militarily, this separatist movement.

Since then, there has been significant progress on the road to peace. In February, a ceasefire agreement was signed between Ukraine, Russia and pro-Russian separatists in the Belarus capital of Minsk. However, implementation of the peace agreement has been slow and members of the Ukrainian community expressed concern at the lack of progress on the peace agreement. They were also concerned at continued violence from both separatists and nationalists in the country's east and in the capital, Kyiv.

As recently as Monday, 31 August, nationalist protesters clashed with police outside parliament. The Interior Ministry said one officer was killed in a grenade blast and more than 130 police officers were wounded. In early August, over a three-day period, Ukrainian separatist rebels killed three soldiers and wounded 35 others in 127 distinct separatist attacks reported by Ukraine. This was the greatest escalation in violence since the peace agreement was signed. In total, Ukraine's conflict has killed some 6,400 people since April 2014. Tragically, this figure includes 38 Australians who lost their lives when Russian backed rebels shot down Malaysia Airlines flight MH17 over Ukraine. It is extremely disappointing that Russia vetoed a United Nations Security Council draft resolution to prosecute those suspected of downing the Malaysia Airlines flight MH17 in Ukraine. The families of the Australian and Dutch passengers and those of other nations deserve full justice for the unforgiveable attack on a civilian aircraft that left their loved ones dead.

These are some of the reasons why the thoughts of members of the Ukrainian community in Tasmania are troubled. I am, however, heartened by comments made by Ukraine's President, Petro Poroshenko, on Saturday that over the past week the peace agreement had, for the first time, been respected in the east. He said soldiers were still perishing in the conflict zone in the east by stepping on landmines or being involved in car crashes, but none had died in combat, although pro-Russian rebels claimed a civilian had been killed. This peace is still tentative. There are media reports from some frontline soldiers that say light weapon fire can be heard at night. I urge restraint by all parties to ensure that the ground gained towards peace is not lost.

In another positive move for peace, the head of the North Atlantic Treaty Organization, NATO, Secretary-General Jens Stoltenberg, will make his first visit to Ukraine later this month as that country enters a critical period which is supposed to see Russia and Ukraine fully implement February's ceasefire agreement. The Secretary-General's visit was announced by Ukrainian Foreign Minister, Pavlo Klimkin, during his visit to the alliance's Brussels headquarters on Tuesday. The visit was confirmed by NATO, although no other details have been announced yet. It is expected that the Secretary-General will sign an agreement that would allow the alliance to set up an office in Ukraine and increase cooperation on strategic communications, demining, naval issues and special operations. I am concerned about reports from earlier today that Russian military units have been scrambled from their bases as part of snap drills ordered by President Vladimir Putin. The Russian defence ministry said the manoeuvres that began on Monday will last for five days and will involve forces of the
Central Military District, a group of forces spreading from the Volga River all the way to eastern Siberia, along with air force and airborne units.

General Sergey Koshelev briefed foreign military attaches about the exercise, saying they are aimed to check the troops' combat readiness and do not threaten any country. Despite the Russian military's assurances, these drills could be seen to be provocative at such a fragile time in the peace process, and I hope the Russian President will cancel these drills.

In other positive signs for moving the peace process forward, French President Francois Hollande on Monday offered to host talks with German, Russian and Ukrainian leaders. President Hollande told reporters the talks could take place in Paris before the United Nations General Assembly opens at the end of September 'so that we can evaluate the process'. According to sources close to Hollande, the French leader will hold telephone talks with Poroshenko, German Chancellor Angela Merkel and Russian President Vladimir Putin on Wednesday evening. The four countries' foreign ministers will then meet in Berlin on Saturday. Hollande said several ceasefire commitments still had to be honoured. I look forward to seeing what the outcomes of continued talks are, because it is time for this conflict to be over. It is time for the posturing to end. The 6,400 people that have perished from this conflict are 6,400 too many.

Ukraine is a strong independent nation. It has a distinct identity from Russia, and the recent interventions by Russia into its territory have helped forge a new national identity. It deserves to stand on its own two feet and be allowed to decide its own destiny. I hope that the peace agreement holds and that the people of Ukraine can rebuild a nation that has been torn by conflict, because Ukraine deserves a bright, peaceful future. And I wish them all the best.

**Marine Environment**

**Senator WHISH-WILSON** (Tasmania) (20:16): Our ocean is turning into a plastic soup and we need to do something about it. I rise tonight to talk about the scourge of marine plastics and about what the Senate can do to start to help to fix this. As an island nation, Australia is responsible for a massive area of ocean. Our Exclusive Economic Zone covers some eight million square kilometres of ocean, not just around the mainland of Australia and Tasmania but around Cocos and Christmas Island, Macquarie Island, Heard Island, Norfolk Island and Lord Howe Island. The total area of ocean we are responsible for is roughly the same as our total area of land, yet we spend so little time thinking about it or acting to manage and conserve these life-sustaining environments.

Australia's oceans are under pressure from global threats, not just climate change, not just ocean acidification, not just overfishing. Our life-sustaining oceans are now clearly under massive threat from marine plastic debris—rubbish, trash, waste, litter—all combining to destroy our oceans. Marine plastic debris is now recognised globally as a significant threat to biodiversity and the ecological functions of our oceans. It is officially recognised as a 'threatening process' under our own EPBC laws here in Australia. A threat abatement plan was put in place in May 2009. A statutory review of the success of this plan was due five years later, in May 2014. However, this review was not completed until 28 June this year, and it does not go far enough. It does show that we are not making anywhere near enough progress in addressing the problem. We are actually waiting for a direction from the Minister for the Environment, Greg Hunt, about when he will be publishing a new draft for the public to comment on, and I am hoping our Senate inquiry into marine plastics will review this.
Marine debris comes from lots of sources—from refuse thrown overboard by ships, from fishing lines and nets discarded by professional and recreational fishermen and from litter dropped in the streets that washes down the drain and into the sea. Once it enters the ocean it is there, for all intents and purposes, forever. The big pieces of debris can cause choking or entanglements for a range of our amazing marine life. Green turtles, olive ridley turtles, loggerhead turtles, flatback turtles, the critically endangered hawksbill turtle and the giant leatherback turtle are all heavily impacted by large plastic debris. They can get tangled up in ropes or fishing nets and are particularly impacted by ghost nets emanating from the Indonesian fishermen to our north. They can ingest plastic bags, confusing them with jellyfish. Think about it. How is a turtle swimming in the ocean supposed to tell a plastic bag apart from a jellyfish? They are also known to ingest plastic wrappers, balloons and items of hard plastic. These plastic items prevent food from passing through their digestive tracts, causing the food to rot and release gases which cannot escape, so the turtle floats to the surface and eventually dies of starvation.

We are all aware that whales can get tangled up in ropes and nets, and ingestion of plastic by whales is also a serious problem. Just last month it was widely reported that an endangered southern right whale surfaced near some fishermen in Sydney's Middle Harbour. The whale was in distress, with plastic bags and fishing line caught in its mouth. The fishermen were fortunate enough to be able to remove the plastic from the whale's mouth. One of the men, Ron Kovacs, managed to film the encounter and also help the whale. He said: 'He had a big scar on his back, and some fishing line and two plastic bags on his head.' It may have been a 'she', but this is what he said. 'He kept popping his head up so you could reach out and remove the garbage.' He later came up to the trailer boat and presented his head as they removed the bag and then the fishing line. 'It was as if he pestered us until we took it off.' That southern right whale was fortunate to get a helping hand; while the Bryde's whale found beached in Cairns in 2008 was less fortunate. This eight-metre-long relative of the humpback and blue whale died upon beaching itself. When an autopsy was carried out, it was found to have hundreds of plastic bags in its stomach. The pygmy southern right whale found washed up on Maria Island in Tasmania was found to have ingested a chainsaw file cover and a plastic cap from a 20-litre drum. In January this year a Risso's dolphin was not able to be revived after it washed up on North Curl Curl Beach in Sydney. It was found to have died because it had ingested a grey plastic supermarket bag.

It is not just whales and turtles that are impacted by marine debris. In 1960, plastic was found in just five per cent of seabird autopsies. In 2010 it was found in 80 per cent of all dead seabirds that received autopsies. A recent report from CSIRO scientists has predicted that, in 2050, marine plastic will affect 99 per cent of the world's seabirds. These scientists found in their current study that the highest number of endangered seabirds are found off the east coast of my state of Tasmania. They found that some birds had swallowed enough plastic to make up eight per cent of their entire body weight. For someone like me, that means having more than five kilograms of plastic in my stomach.

On subtropical and supposedly pristine Lord Howe Island, the marine plastic impacts on seabirds are becoming increasingly dire. One dead flesh-footed shearwater was found to have 175 pieces of plastic—175 pieces, including bottle tops, balloon ties and a doll's arm—in its stomach. As the birds die and decompose, this litter they have eaten is beginning to cover the
forest floor where the birds nest. What makes this worse is that adults are feeding the plastic to their chicks and it is reducing the breeding success rates of some of Australia's most endangered bird life.

What I have discussed so far is the impact of the larger pieces of plastic. But what happens when these plastics keep breaking down into smaller and smaller pieces of plastic? Well, unfortunately, these microplastic particles enter the food chain. Microplastics get ingested by plankton. Microplastics get ingested by small fish. And these creatures get eaten by larger creatures and the problem escalates. These microplastics are damaging in their own right, but they also lead to the bioaccumulation of chemicals like heavy metals. So if you eat fish from the ocean now, you are eating microplastics. We do not yet fully understand the human health impact of this. We do not yet understand the ecological impact of this. What we do know is: the impact is global in scale and is getting worse.

Australia cannot isolate itself from this problem. We are impacting on our oceans, as are all nations. Our neighbours are impacting on our oceans. The plastics in the water around Perth and Sydney and Brisbane, studies have shown, are likely to be from those towns, but the plastics washing up on the remote and supposedly pristine beaches in World-Heritage-listed South-West Tasmania, where Senator Urquhart and I are from, are just as likely to come from Indonesia or South Africa, or to be rubbish jettisoned from a cargo ship.

Australia needs to find not just local solutions to the scourge of marine plastics; we need to work with others in our region to find regional and global solutions. We have some excellent work underway with the Ghost Nets Program led by Indigenous groups to our north that you may be familiar with, Madam Acting Deputy President Peris, and scientists in places like CSIRO, the Institute for Marine and Antarctic Studies and the Sydney Institute of Marine Science are doing groundbreaking global research on this problem.

But we have to do more. We have had some leadership in Tasmania with a plastic bag ban. We have seen this similarly in the Northern Territory and in South Australia, but I understand that the Northern Territory ban is currently under pressure. And we are seeing Queensland and New South Wales take tentative steps towards implementing a container deposit scheme, a scheme that has been successful in reducing litter in South Australia.

I want this Senate inquiry to put all the evidence on the table about marine plastics. I want to hear from Australian and global experts on this biggest of problems, and on where we can start to clean up our act. I want some clear recommendations about what we can do here and abroad to address it.

Our oceans are under too much stress, from climate change, overfishing and now marine plastics. It is worth highlighting that in the Pacific there have now been identified five gyres, called the great garbage patches of the world, which are essentially areas thousands of kilometres across that are floating oceanic dumps of marine debris, especially plastic.

The ocean is the womb of the earth, and we need to do so much more to protect it. I am very much looking forward to working with other passionate stakeholders—many of whom, I am hoping, will make submissions to the Senate inquiry, which closes very soon—through the inquiry process and sharing in that passion to actually enact some change and make a difference. And I am very glad that the Senate Environment and Communications References Committee has accepted the recommendation for an inquiry into marine plastics. From what I
am aware, it is the first official government inquiry anywhere into what is actually the biggest marine problem in our oceans—the biggest marine problem. We have to start somewhere. Sometimes it almost seems so big that you do not know where to start, but I am actually very excited; I expect that we will get some good evidence and will be able to have a real crack at this.

**Human Rights: Morocco**

Senator MOORE (Queensland) (20:26): The Australia Western Sahara Association works for self-determination for the Saharawi people, raising awareness about the injustice of Morocco's occupation of their country for over 40 years, the oppression and human rights abuses endured by the Saharawi, the plight of those in exile in the desert of Algeria and the failure of the United Nations to require Morocco to honour its ceasefire agreement to allow a UN referendum in Western Sahara.

I want to acknowledge the presence in the gallery of a delegation from the Australia Western Sahara Association who have been working tirelessly to ensure that this message is not lost in our community.

On 6 September this year, it will have been 24 years since the ceasefire agreement between the Saharawi independence movement, Polisario, and Morocco came into effect and since the UN sent a mission, the United Nations Mission for the Referendum in Western Sahara, to organise a referendum on self-determination. Twenty-four years is too long in terms of human suffering and life in exile in harsh conditions. More than half of the Saharawi population live in tented refugee camps in the harsh conditions of the Sahara desert in south-west Algeria. This group comprises people who fled Western Sahara during the original war from 1975 to 1991, and also many new generations who have never seen their coastal homeland. They are still waiting for peace and they are still waiting for their referendum.

The UN Security Council endorsed the peace plan that was agreed by both Polisario and Morocco under the UN's auspices in 1990. The peace plan entailed a full ceasefire, followed by the promised referendum on self-determination. That referendum was supposed to take place within six months. Unfortunately, as we know, the referendum that the Saharawis were promised never materialised. What the people of Western Sahara are asking is simply what has been agreed and mandated by the United Nations for many years: the inalienable right to self-determination and their legitimate right to determine their own future. This is an important message and one that we cannot forget.

It is also important that we understand that Australia has a long history of and a right to be involved in pushing forward for this agreement. Australians participated in the United Nations missions for years by sending a signals contingent, and there are links now between Australians who have been there and many more who know about what is happening.

Concerned foreign governments and international NGOs have documented human rights abuses over many years. Most recently, Human Rights Watch issued its report on Morocco and Western Sahara, saying that reforms in human rights under Morocco's new 2011 constitution had mostly not taken effect. The Human Rights Watch reported that in Western Sahara all public gatherings thought to be organised by opponents of continued Moroccan rule over the disputed territories were blocked by police in 2014. Furthermore, civilians sentenced by military courts in past years, including 22 Saharawis sentenced in the protest
camps case in 2013, are serving long prison terms of between 20 years and life. Complaints of confessions extracted under torture have not been investigated as recommended by the UN Special Rapporteur, Juan Mendez, in 2012. The US state department human rights report of 2013, released in March 2014, referred to Moroccan government restrictions on the civil liberties and political rights of pro-independence advocates as the most important human rights problem specific to the territory. It cited as serious problems limitations on the freedoms of speech, press, assembly and association.

There is international recognition that the deplorable human rights situation in Western Sahara must be addressed, and there is growing pressure in the UN Security Council in favour of instituting a human rights monitoring capacity when this process continues this year. Australia must continue to pressure. Even though we no longer have a position in the Security Council, we have a right to continue to favour pressure on the UN to take action after 24 years.

The organisation the Australia Western Sahara Association particularly wanted to draw attention to the case of Takbar Haddi, who has been on a hunger strike since May. This mother lost her son, who was murdered by five Moroccan settlers. There are deep concerns that there was no justice or attempt to bring any solution to the loss of her son. Ms Takbar Haddi began the hunger strike on 15 May in Las Palmas, the Canary Islands. She is calling for the body of her son to be returned, for the case to be properly investigated and for the attackers to be arrested. This is the face of human rights abuse in this region. The plight of this mother, I think, is a message for all of us that we need to ensure that the human rights abuses are stopped.

Another point, apart from the human rights abuses, is the concern that there is a plunder of natural resources of the Western Sahara, particularly the fisheries and phosphates, in violation of international law. The Under-Secretary-General for Legal Affairs and the Legal Counsel of the UN, Hans Corell, reiterated in a legal opinion delivered to the Security Council on 29 January 2002 that:

… if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.

The message for this evening is that the people of the Western Sahara must have access to their human rights, and the natural resources of Western Sahara must be protected until the decolonisation process is completed.

I am very proud to know that a motion was passed at the recent ALP national conference which determined the support for the human rights of people from the Western Sahara and called on the Australian government to extend all due assistance to the UN in its efforts to organise a free and fair referendum in Western Sahara and to maintain an appropriate dialogue with the Polisario Front, the UN acknowledged representatives of the people of Western Sahara.

Twenty-four years is way too long to be living without having the rights to your homeland, to be living in refugee camps and to be facing violence and repression. We value the work that is done by the Australia Western Sahara Association. We must all believe in human rights and we need to share this message in our community and across the globe.
Workplace Relations: 7-Eleven

Senator O’NEILL (New South Wales) (20:34): I want to take this opportunity in my adjournment speech this evening to call on the Abbott government to grant amnesty to staff of the 7-Eleven stores. These are students who are working on student visas who may be in breach of their visa conditions. It is a test of the character of this government. If the government fails to grant amnesty to these workers, whose plight is now well documented, they will be complicit in the continuing exploitation of hundreds—indeed, it is alleged, thousands—of workers.

It is now one week since Adele Ferguson’s inquiry into the 7-Eleven chain of shops aired on Four Corners. In it she documented the appalling conditions that young students on working visas are being subjected to in a significant number of 7-Eleven stores. It took courage and care for the people who participated in that story to ask questions and gather evidence to document exactly what has been happening in 7-Eleven stores. I want to acknowledge the civic leadership of Mr Michael Fraser, a consumer advocate who did his own citizenship research across 60 7-Eleven stores. That is no small feat for one person to undertake.

I also commend the students who came forward to put their experience on the public record. Their courage in documenting and telling this story is worthy of note. It is also an act of hope, hope that by telling their story they might prevent the suffering of others. How this ends, though, depends on if the government can find any integrity or enough integrity to provide the protection that is needed to free these students from the oppression and exploitation so clearly exposed on Four Corners last week.

The scale and audacity of the exploitation revealed on the show took the nation’s breath away. The revelation in the mainstream media that 7-Eleven stores around the country have been abusing their staff and failing to pay living wages, let alone award wages, shocked the nation. Further questions were raised by the program about the degree to which the 7-Eleven head office were complicit in the systemic underpayment of workers. There have been increasing releases of information about how far this may go. It has been put forward in some of those more recent articles that came through later in the week that the connection goes all the way to 7-Eleven in the US.

In the days following the Four Corners program, many further articles have been written filling out the details of the exploitative business model in operation on a corner near you and right across the nation. The articles and TV reports have in turn prompted other people to come forward and contact journalists writing about this disgraceful situation. They are contacting respected journalists, confident that they can tell their story without the threat that they might be deported for breaching their visa conditions. And many of them have done that—they have been coerced into breaching their visa conditions because of their jobs and because of what they were asked to do in their training phase—and then they have been blackmailed into accepting gross underpayment of wages under threat of being reported to immigration because they breached their visa conditions. It is a terrible bind to be caught in—so far away from home, with no clarity about who to turn to for support and a boss, in many or most of these stores, determined to keep these students as vulnerable and ill-informed as possible in order to increase their own profit.
Why are they not coming forward to people other than journalists? They fear that if they tell their story in any other context, they may well be reported and deported. Journalists such as Sarah Ferguson, Sarah Danckert and Klaus Toft have continued to fill out the story by drawing on evidence provided by students themselves and by ethical members of 7-Eleven staff who have decided that enough is enough. With staff log books, court documents and financial accounts from many stores, the way the half-wage scam works is revealed. Essentially time sheets are doctored with non-existent ghost workers allocated work hours in the books, while a student works all those excess hours, but, when their pay comes through, they are routinely working for half the pay and doing double the hours.

In the 7:30 report by Matt Peacock that aired on Thursday evening last week, a young student Barat Karna who had been dismissed from his job at the 7-Eleven store, at Heatherbrae in the Hunter region, because he would not continue to work more than his 20 hours. He described himself as 'a modern century slave'. And that is what these students are: modern day slaves, exploited by a business model that has been shared and replicated by many franchise owners in the 7-Eleven chain. Stories about similar events occurring in Australia Post and other chains of stores have been aired in recent weeks.

For those who have not been following the story closely, this is how it goes. A foreign student on a student working visa, who may be studying in a university setting or for a certificate or diploma at a registered training organisation is allowed to undertake 40 hours of work per fortnight to support themselves while they study. The Ferguson report revealed that students who secured jobs were forced to work these extra hours while undertaking training. So right at the very beginning of their employment, they go over the hours they are allowed to work. Thus, from the very start they are set up to be in breach of their visa conditions. It is highly manipulative. That is why it is so important that the government actually provides an amnesty to these students. As I said in my opening comment, failure to provide an amnesty to these students means that they are at risk of deportation and at risk of being removed from accessing the care and the help they need.

For the record, I want to register clearly that unions and workers' rights groups have been raising their concerns for some time that a range of working visas—not just this student visa, but the 457 and 417 visas as well—are being misused across the country. Currently the Senate is undertaking extensive inquiries into these matters. The Senate Reference Committee for Education and Employment, ably chaired by my colleague Senator Sue Lines, has been investigating these matters since June this year. I want to put on the record that I first asked questions of the Fair Work Ombudsman about 7-Eleven at one of the committee's hearing in Adelaide in July 2015. Indeed, the Fair Work Ombudsman has been engaged with 7-Eleven on no fewer than three occasions over the last several years. This scenario is not a new thing, and it does raise questions about the power and the resourcing of the ombudsman. Clearly there is something wrong with the process as it exists.

This Liberal government needs to respond and take action. In question time today Senator Abetz refused to take responsibility or to take any action or to give any satisfactory response. He harped on about this being a problem that has been going on for many years, as if this issue had nothing to do with the government of the day. A scheme like this, and exploitation like this, will always find a way to skirt around laws trying to prohibit it. That is why there needs to be suitable investigation and punishments available to the ombudsman.
This status quo simply cannot continue. We go through all of the processes where an employer is proven to be untrustworthy and proven to be exploiting workers, and then another three or four years further down the track we find we are going back over the same territory. Business models that exploit vulnerable visa holders are corrupt and corrupting. They reduce opportunities for local jobseekers; they undermine ethical, competing businesses—small businesses that were in competition with these 7-Elevens but that have now gone under because they paid the right wages and were doing the right thing by employing workers from their local community. They too have been exploited by this disgraceful scam.

What has become apparent is the ease with which employers are able to skirt the current labour market testing requirements when looking to engage new employees. Temporary workers of any kind should not be used as a cheap form of labour, and they should always be paid at levels that meet all Australian standards. What we have seen in the 7-Eleven story is a powerful reminder that unions have a vital, a critical, role to play in the education of workers about their rights. They provide wage safety in addition to occupational health and safety for Australian workers.

People who have been caught up in these wage scams should seek help, and they can get help by calling 131 732 or 131 SDA, which is a hotline to assist them with their inquiries and help them get the information they need to get their wages. Basically we know that the impediment to seeking help is so significant if people fear they are going to be deported. The SDA union has already said that, if enough individuals come forward, they would lodge a claim for back pay on behalf of exploited workers, and I would encourage all workers to do that.

This is a series of individual horror stories, but it is more than that. It is a series of stories about businesses which thought they could work outside the law. The government needs to stand up tomorrow to make sure that an amnesty is granted so these workers can get the care, support and safety they deserve. (Time expired)

Royal Commission into Trade Union Governance and Corruption

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (20:44): I rise this evening to again draw the Senate's attention to the untenable position of Mr Abbott's trade union royal commission. I have addressed the Senate before in relation to this royal commission, this partisan royal commission that was established by Mr Abbott with the intention of spending $80 million of taxpayers' money on a star chamber charged with persecuting Mr Abbott's political opponents.

But tonight I rise to speak to what I consider to be the deeper matters this issue has brought to the public attention. These deeper matters do not relate to the short-term political interests of the opposition of a government. Rather, they relate to the long-term interests of the Australian people, interests that all political parties ultimately serve. Royal commissions have proved themselves to be vitally important institutions. Properly used, a royal commission can change the nation. The Hope Royal Commission on Intelligence and Security conducted between 1974 and 1977 carried out a comprehensive inquiry into Australian security services. Commissioner Hope's report helped to change the way our security services operated and set in place the foundations of the modern and accountable national security system that still protects the nation today.
The Royal Commission into Aboriginal Deaths in Custody conduct between 1987 and 1991 was another royal commission that changed our nation for the better. It brought to light the fundamental issues of structural inequality that lead to social dysfunction and profound tragedy. We are still today struggling to fully implement the findings of this particular royal commission. I also want to mention the Royal Commission into Institutional Responses to Child Sexual Abuse. I do not mention because I want political kudos for Labor for setting that inquiry into motion; to the contrary, I mention it precisely because it was not set up to seek partisan political advantage. That inquiry was set up for the best interests of our nation; it was charged to investigate and report back on the evil of child sexual abuse in the institutional context. That royal commission has received bipartisan political support and the impassioned support of Australians across the political spectrum.

But the same cannot be said of the Royal Commission into Trade Union Governance and Corruption. From the outset, fair-minded Australians have seen this inquiry is politically motivated and is designed to smear and slander the Abbott government's political opponents. Mr Abbott has even admitted himself that the royal commission is focused upon the persecution of the Labor Party. Just over a week ago Mr Abbott said:

The work of the Royal Commission is absolutely vital, not just for our country as a whole, but it’s vital for the future of the union movement, it’s vital for the future of the Labor Party.

Mr Abbott's comments leave no doubt as to the politically motivated bias that underpins this royal commission.

A royal commission is not a court. Despite the desperate and ignorant claims of those opposite, royal commissions are explicitly extensions of the executive. By definition, the powers of the executive and a royal commission cannot be separated. And there is very good reason for this—royal commissions are bestowed with significant coercive investigative powers vested in them by the government via the Governor-General. However, they are not bound by some of the strict legal structures that maintain accountability within the court system. As an arm of the executive, a royal commissioner's accountability should be maintained by the government and, in turn, the parliament.

Despite the Abbott government wanting to gag any scrutiny of this partisan royal commission, despite the Attorney-General of Australia screaming at fellow members of this chamber as though they were committing a crime if they dared to criticise the royal commission or the royal commissioner, the parliament is absolutely the appropriate place to hold the commission to account. This is why we moved today a motion about the royal commission.

While a royal commission is not a court, it still maintains responsibility for upholding the principles of natural justice. There are two critical elements of natural justice. This first is the rule against bias—actual, imputed or apparent. Apparent bias is established when, in the eyes of a reasonable person, the conduct of a decision-maker gives rise to the suspicion that they are not impartial. Dyson Heydon's conduct in agreeing to speak at a Liberal Party event—a party fundraiser no less—most certainly establishes this. The fact that he then concocted a whole string of excuses, he mislead the Australian public about why he had withdrawn from the royal commission and then just to really wrap it up he came up with a new definition of a fundraiser. Apparently, it is not a fundraiser if everybody does not donate. Every single
person must make a donation for it to be a fundraiser according to an allegedly pre-eminent legal mind.

Well I have some news for my daughter's school. I went to a fundraiser there the other day and not everyone in the room actually made a donation—it was very hard to make that happen. But let me be very clear about this, the school will be very shocked to hear that they were not running a fundraiser. They billed it as a fundraiser and donations were accepted. Every single person did not make a donation, but that did not stop it from being a fundraiser—a reasonable person, indeed.

The second element of natural justice is that of the right to a fair hearing. The right to a fair hearing dictates that individuals receive prior notice to a case being heard against them, and the opportunity to both answer the case as well as present their own. In order for an individual to answer a case and present their own, that individual must be provided with the opportunity to make a submission to the adjudicator and mount a defence. Furthermore, the right to a fair hearing demands that the defendant, or their representative, be provided the opportunity to scrutinise the evidence being presented. The well-established process for this scrutiny relies upon cross-examination as the vehicle. Cross-examination ensures that the evidence relied upon to form conclusions about any such matter has been thoroughly scrutinised and stress-tested for weakness. However, Dyson Heydon and Mr Abbott's royal commission have wilfully ignored these principles of natural justice. From the very beginning, the prejudicial nature of this royal commission—

Senator Ronaldson: Madam Acting Deputy President Peris, on a point of order: I understand that the Deputy Leader of the Opposition in the Senate is seeking to make some political points tonight, but he has reflected twice now on the royal commissioner in a personal sense that is inappropriate, and, in my view, it is very much against the standing orders.

Senator CONROY: There is no point of order. He is not a judge.

The ACTING DEPUTY PRESIDENT (Senator Peris): There is no point of order. Senator Conroy, please continue.

Senator CONROY: The practice directions are supposed to provide consistent structures and principles of process within the commission. They outline the commissioner's expectations regarding the appearance of witnesses, production of evidence, rights of legal representation and publishing of commission materials. A comprehensive document of practice directions was produced by Dyson Heydon in the initial stages of the trade union royal commission. Despite the supposed governance role of this document, to be relied upon by all parties to maintain fairness of process, the explicitly unfair nature of this royal commission was plain to see in just the third paragraph:

Where the Commissioner thinks it appropriate, he may dispense with or vary these practices and procedures, and any other practices or procedures that are subsequently published or adopted.

So there are a set of rules, 'But I can toss them out the door when I want.' Love it! Procedural fairness! So before establishing the various rights and responsibilities of all parties within the royal commission, Dyson Heydon reserved his right to revert to his Star Chamber tradition and dispense with them all at will. In paragraph 16 of the practice directions, it is stipulated that nothing prevents a person from seeking authorisation to appear before the commission if
they feel that their interests may be affected. However, in the next paragraph, Dyson Heydon again reserves his right to reject, withdraw, limit, make conditional and control any appearance.

These provisions are a direct contradiction to the natural justice principle of an individual's right to answer a case against them. Put aside that Dyson Heydon is boasting that he has held 16 days worth of secret hearings, where, by definition, it is not possible to confront your accuser and it is not possible to know what evidence is going to be tossed at you. You might be able to read it on the front page of the newspaper the day before, because this royal commission's job is to generate salacious headlines that smear people across this country. Furthermore, the practice directions withhold the rights of parties to cross-examine witnesses and interrogate evidence. They withhold the rights of parties to cross-examine witnesses and interrogate evidence.

Beginning at paragraph 45, the directions outline the laborious and time-delaying process of making an application to cross-examine. It is explicitly stated that, despite counsel assisting having had the opportunity to establish a case with a witness, no cross-examination can be made until a later date—and I will be coming back to this in a moment. This is deliberately designed to generate defamatory headlines in newspapers, to smear people across Australia without a recourse for or the right of response by the person who is being smeared and attacked. This provides the opportunity for the initial case to be prosecuted through the media before the evidence can be tested, and there can be no greater condemnation of Dyson Heydon and his Star Chamber than that.

Let me give you an example of what went wrong with Dyson Heydon. These provisions are in direct contravention, I repeat, to the natural justice principle of an individual's right to their own defence. The shortcomings in this approach were obvious from the appearance of the star witness on the first day—the royal commission's first witness—a disgraced union official, Mr Ralph Blewitt, a self-confessed fraud. Counsel assisting and Mr Blewitt were allowed to establish a series of salacious allegations against a range of people, including former Prime Minister Julia Gillard. So he gets to say whatever he wants, make up anything that he wants—no, no cross-examination at the time, no ability to challenge what he was saying. But what happened on the very next day, when Mr Blewitt was asked a few questions that went to the heart of his own credibility? Ralph Blewitt's credibility was utterly destroyed when he admitted to committing perjury while he was sitting there on the stand. But it was okay; he did apologise! He hoped he had not offended anyone! This is a man who admitted in newspapers before he appeared that he had forgotten, when he had fled overseas to avoid prosecution himself, much of the detail and information that he was providing that day. He had forgotten. But he did say, helpfully, in a newspaper that he had been reminded of all this information when Mr Harry Nowicki and Mr Michael Smith came to visit him with a bunch of documents. It reminded him of all those things he had forgotten.

But there is no more damning activity of this royal commission—or more importantly, its lack of activity—than the fact that Dyson Heydon has invoked his authoritarian powers numerous times, rejecting evidence and directly intervening to control the appearances of witnesses. The treatment of Kathy Jackson, who was recently found guilty of misappropriating $1.4 million from the Health Services Union, is a damning case that clearly demonstrates the hypocrisy and prejudicial nature of this royal commission. Following the
specified procedures, the HSU tried to submit comprehensive evidence related to Kathy Jackson's misappropriation of union members' money. A massive amount of documents were submitted, alleging that Kathy Jackson had stolen money from the members of the HSU. What do you think the royal commission did with this evidence? Stepping up to protect the Prime Minister's star witness and chief slanderer, Dyson Heydon rejected the evidence—and this is in writing, in his own words—on the grounds that it was not relevant to proceedings before the commission. I just want to go through that again. A royal commission into corruption of the trade union movement is given evidence of corruption in the trade union movement and the commissioner says that it is not relevant. The very same evidence is then tested in a court in Victoria, and Kathy Jackson is found guilty. But Dyson Heydon said it was not relevant to a royal commission into corruption of the trade union movement.

But it got worse! What could be more relevant to a royal commission charged with examining governance than evidence subsequently used to convict someone of fraud. This was not the end of Jackson's special treatment at the hands of the royal commission. It was uncovered today that staff at the royal commission provided Kathy Jackson with briefings regarding the questions that would be put to her on the stand. Pamela Williams at the *Australian* newspaper has uncovered file notes written by royal commission staff detailing their advice to Kathy Jackson and her defence team. To be very clear for those opposite, this is a clear-cut case of coaching a witness. Furthermore, royal commission staff secretly provided Kathy Jackson with advanced evidence detail and organised commission hearings—and I quote directly from a royal commission staffer—to:

... give Kathy the chance to respond to the evidence and to some of the claims being made in the media ...

So what have we got here? We have got a royal commission into the corruption of trade unions that is provided evidence that is subsequently used to convict a thief but is rejected as irrelevant. Instead of investigating this crook, Kathy Jackson, the royal commission decides that it wants to give her a chance to respond to news stories about her alleged activities—which are now proven. This is a royal commission that did not actually investigate corruption but helped corruption—it helped cover up corruption; it helped cover up Kathy Jackson's corruption—because it was politically convenient for Dyson Heydon and Mr Stoljar to do that. It was political convenience.

I can assure you here in the Senate that not all witnesses were treated in this way. When Dyson Heydon called the Leader of the Opposition to appear, thousands of pages of evidence were dumped on Mr Shorten just days beforehand. Mr Shorten received no coaching from royal commission staff and was treated by Dyson Heydon with the contempt that we have come to expect from this prejudicial commissioner—this Liberal stooge. The hypocritical double-standards of Dyson Heydon and the royal commission are clear for all to see. Those witnesses who assist Mr Abbott's efforts to attack his political opponents are provided with the support to do so.

I have not finished with Kathy Jackson yet. When she took the stand days after being prepped, the royal commission was shamed into asking a couple of questions about the media stories—not just 'Oh, would you like to respond' or 'Tell us all about how you spent this money.' They actually asked her a couple of questions. They were shamed into it. What did Kathy Jackson do? She said: 'Just a minute, this isn't part of the plan. This isn't what we
agreed beforehand.' Do you know what Dyson Heydon did? He intervened to stop the line of questioning. This is a man who has helped cover up for a crook.

Despite the issuances of lengthy practice direction documents, outlining the royal commission's star chamber procedures, Dyson Heydon has had to issue a further eight substantive practice direction addendums in order to better control the commission's hearings. This star chamber gets better and better each week. These additions further erode the natural justice rights of those involved. These shifting sands of a biased process have been devised and manipulated by Dyson Heydon in order to persecute and do Mr Abbot's political bidding, which is to smear, attack and destroy Mr Abbot's opponents at any cost. I have much more to say but my time is running out. However, I do assure the Senate that I will be back to continue the story of this utterly, utterly compromised and disgraceful star chamber of a royal commission.

Domestic Violence

Senator RHIANNON (New South Wales) (21:06): How wonderful was the news that Rosie Batty was to be the Australian of the Year. It was a most important decision. The Baird Liberal government in New South Wales, however, is not doing enough to protect the women and children fleeing from domestic violence. When you look at what is happening in my home state you really wonder if they have listened to the Australian of the Year. The New South Wales government's rhetoric does not align with their stated position, which has seen the shocking closure of 25 New South Wales women's refuges. The choice of Rosie Batty did put the crime of domestic violence on the map, and people rightly expected that governments around the country would listen to her message and assist women to escape domestic violence, that they would work to change the discriminatory attitudes to domestic violence—but this is not occurring in New South Wales. Policy is changing the situation that victims of domestic violence find themselves in. It is getting much harder for them. Australian police deal with a domestic violence matter every two minutes. Last year, 84 women were killed by violence in Australia, and as of today this year's count is 59 already. Official figures show that there were 28,870 domestic violence related assaults in the year to March. That is an unbelievable 80 attacks per day. We know many more go unreported.

Over this period the Baird government has closed 25 women's refuges. They have been making a difference to women's lives and children's lives, saving lives, but they have been closed. A year into the New South Wales Baird government's overhaul of the crisis accommodation services that has caused these closures we have seen a 14.3 per cent increase in the incidence of domestic violence in the greater Sydney area. This is a sad, chaotic state of affairs that the Liberal government has brought to women and children in New South Wales. This is where we have to question the Abbott government's role. How is it that their New South Wales counterpart continues with this disgraceful dismantling of domestic violence support structures? I want to bring the Abbott government in here, because very fine words have been said about the scourge of domestic violence. It is worth remembering what the Prime Minister has said. In May this year the Prime Minister said that governments were working 'in the closest possible harmony'. If he calls it working in harmony with the New South Wales government, clearly the Abbott government also has to take responsibility for the state of affairs in New South Wales. The Prime Minister also said:
We want to look at really lifting our game when it comes to dealing with the scourge of domestic violence.

So let us look at how the Abbott government is supposedly lifting its game in New South Wales. While the empirical impact of the Baird government's cuts are yet to be measured, the raw figures are alarming. We are seeing a reduced number of available beds for victims of domestic violence, a lack of specialist individual care by experienced staff and a range of other problems. Up to a couple of years ago New South Wales had 340 services for the homeless. Now, the Baird government's new package offers merely 140 centres. Across New South Wales this comes out at 350 bedrooms in 63 government-owned shelters.

The way the government is tendering out these services is adding to the problem. By opening the tender for all homelessness sector services in New South Wales, the Baird Liberal government has effectively pooled homelessness services with women's refuge centres. This requires centres to cater for all types of homelessness. The refuges are the poor cousins here. Refuges once were available solely for the victims of domestic violence. You will not find that now. Experience has shown that responding to domestic violence requires small, intensive services, but the government's tender process favours larger agencies. Many small specialist services that have been providing support for over 40 years—again I say saving lives—are being affected. The Baird government has just unravelled a very successful, constructive way of dealing with the crimes of domestic violence. Twenty-five women's refuges have closed as a result of the Baird government's reforms—refuges that were built in some cases, or buildings were occupied, governments were lobbied and the services were established. They were women-only services, and they have been so important but now they have gone.

Under the new system women are not getting the individual care from experienced staff that is so valuable to their recovery and empowerment. A monthly essay in March this year by Jess Hill commented:

Nowhere have women's refuges been in greater turmoil than in New South Wales.

It is worth, again, looking at some of these examples—and so much of it goes back to this policy of putting services out to tender. It is interesting to look at the comments of Assistant Police Commissioner Mark Murdoch. He said that the police received no prior warning about which shelters were going to close, so they did not know where to take victims. We know the police have a very difficult job here, and they have come to know where the services are, what refuges they should take women and children to. Assistant Police Commissioner Murdoch said:

… if they were going to close or withdraw funding for shelters, it would have been nice to know in advance.

What a way to run a government policy; what a way to conduct such an important issue involving responding to the needs of women and children who are experiencing domestic violence and also homelessness. While everything has been bundled in here, everybody is a loser under the Baird government's new policy.

Christine Bird, spokesperson for the advocacy group No Shelter, describes what happens when people who have different needs are bundled together. She describes a cottage that has separate sections in it, and there will be somebody with mental health problems in one unit; right beside them they can have a family with intergenerational poverty; and then there could
be a woman and children fleeing domestic violence in the next one. Christine Bird said that it is absolutely unworkable in terms of the link between safety and confidentiality.

Then we go to Maitland, in the Hunter. This is Carrie's Place—another incredibly important service that has been there for over 35 years. This is what it has been reduced to. The CEO is Jan McDonald. She talks about a really worrying trend here. She describes how it creates potential for conflict because victims of violence and the perpetrators, sometimes from the same family, end up under the same roof at the refuge, as a result of the way it now has to carry out its work. She described an incident that was in the *Maitland Mercury*: she had helped a male, and the male turned around and boasted to a female in the refuge, who was a relative, ‘Ha ha ha—they're helping me as well.’ This is an enormous setback, and I emphasise again—a serious setback to safety and people's recovery, and an enormous setback for people escaping domestic violence.

Then we go to Broken Hill. Broken Hill has one of the highest rates of domestic violence in Australia. In Broken Hill there is a refuge called Catherine Haven. The refuge there is now run by the Salvation Army. The managers are a couple who both have diplomas in theology. They have just moved into the town. This refuge used to be a 24/7 operation. It was open all the time because it was needed at all hours of the day and night. Now it operates within business hours, Monday to Friday. The manager couple have introduced a strict scheme whereby accommodation is now dependent on payment. Lieutenant Philip Sutcliffe, one of the managers, has said: 'It's not simply a service that they can use and abuse. It's not just a free service that they can just come in and go as they want.' This is not the way that one helps to restore people who have been so damaged by domestic violence. Those who do pay often find themselves being taught lessons by the manager couple. A particular favourite, I hear, is that they are taught about responsibility—what their responsibility is in the circumstances.

Let's remember that refuges, by their very design, are a free, optional service, allowing women to enter and go as they require. That is essential. It is not about locking up people and it is not about ordering them around; it is about assisting them to rebuild their lives, to find accommodation where they and their families can feel safe. The name ‘refuge' comes because it has been a refuge, but that is something we have lost under the Baird government policy.

Going back to the Broken Hill example, the fact that a man in charge of providing a service is describing it as precisely the opposite of the safe, supportive, free service it needs to be in order to be effective shows just how much danger the refuge sector is in in New South Wales. The whole concept of it is being unwound. This is and was understood by women who ran the 25 local women's refuges in New South Wales that, I repeat, are being closed by the Baird government.

People often say to me, 'You have a pretty good premier—you might have a Liberal government, but Premier Baird is really on the ball.' They say he surfs and does all these things. But look at what the policies are that are playing out for people who have a right to expect that government will be there for them. The Catherine Haven example from Broken Hill is just one among many which captures the tragedy that is now impacting on the lives of so many victims of domestic violence.

The Baird government spouts that it has the Going Home Staying Home program, and that that is what should get urgent consideration. Again, I would argue that it is disturbing that the Abbott government has allowed this to continue for as long as it has. I remind you of that
quote that I gave you earlier from the Prime Minister, where he talked about, not just how serious this problem is, but about how all governments around the country are taking it seriously and working together. So surely the Abbott government has to take responsibility as well.

In terms of housing, there is an obvious correlation between domestic violence and homelessness; 36 per cent of homeless women are victims of domestic violence. This is where we need to have a change in policy. In New South Wales that needs to start with restoring refuges that are specifically for victims of domestic violence. It is time that the Baird government and the Abbott government acknowledged that the policy towards domestic violence victims in New South Wales is a failure, and it is time that those refuges were restored as places for women and children to gain safety and to get assistance to restore their lives.

On another matter, this July saw the sixth biennial Talisman Saber war rehearsal. The Abbott government boasted that the Talisman Saber operation was the largest military exercise ever to have taken place in Australia, involving 33,000 military personnel, 21 ships, more than 200 aircraft and three submarines. The people who should be congratulated are those who protested. I congratulate the members of IPAN—the Independent and Peaceful Australia Network. One of the member organisations is a group that I work closely with, the Marrickville Peace Group. I also congratulate the many activists from across the country that joined the protests. As these war games are growing, it is necessary to counter the narrative that paints them as necessary and beneficial.

This was the message from the peace activists. Talisman Saber is sending the wrong message to our neighbours. They are war games that waste resources and do not promote an independent foreign policy. This was the message of the peace activists, a message that they took onto the area where those war games were being held. Peace activists were arrested. On 12 July, two of the protesters entered the prohibited military area of Shoalwater Bay in Queensland. This was in the midst of the Talisman Saber exercises. They knew they would most likely be arrested. They remained in the prohibited area for two days and used the opportunity to hang up their conspicuous banners reading, 'War games don't bring peace or security' and 'Save the reef from war games grief'. The protesters engaged in many creative actions. Jo Vallentine, a former senator from this parliament, joined the protesters. I am very proud that Jo Vallentine was the first Australian Greens senator in this chamber.

The Greens are historically linked to peace activism. We argue that the root causes of war and conflict must be examined and understood if we are to build a peaceful world. On 13 July this year a group calling themselves three Quaker grannies, which included Jo Vallentine, held a tea party at the gates of the Shoalwater Bay training facility. There they had cups of tea that they shared with any of the soldiers who were willing to partake of it. I understand that they had scones and lamingtons. They took their picnic table from one side of the gates into the prohibited area. They were arrested—after a lot of friendly conversation, I understand. These are the sorts of actions that are so important. And yes, probably very few people in here have heard about it. But again I congratulate them very warmly, because the message of peace is a message that we need to elevate, particularly in the light of these so-called war games that are just so damaging to Australia's reputation and to our standing with our neighbours and that are a waste of resources.
These protests have been occurring since 2005, when Talisman Saber first came to our country. The protesters take a variety of creative actions. They are actions that the Greens stand with. We stand with those who are protesting. They also take up the issue of the damage to the reef and the damage to the land of the traditional owners. Shoalwater Bay, where much of this exercise was conducted, is the ancestral land of the Darumbal people. Under the Talisman Saber program the traditional owners ended up being left with restricted access to their own special places, their own significant areas. The training facility also, as we know, encompasses that most beautiful part of the Australian coastline the Great Barrier Reef. Within the training facility where these war games are played not only is there part of the reef marine park but also there are adjacent areas that are ending up degraded because they are so fragile. Yes, the games only occur every two years, but the damage is enormous. Former Senator Jo Vallentine has voiced her concern over the damage that such war rehearsals cause to the Great Barrier Reef, already at risk from global warming. I congratulate former senator Jo Vallentine for her courageous work here.

Perhaps more ominous than the obviously threat to our natural environment is the insidious impact that Talisman Saber war games have on our real and perceived military relationship with the United States. This was also a theme of the protesters, who very much gave voice to the need for an independent foreign policy. What many of them identified is that, when these games are held, to onlookers it looks like Australia is just another US military base. So it is time to question these policies. There has been an enormous shift, and again I acknowledge that the peace movement is much smaller than it was. But these activists continue to call for an independent Australia. An independent Australia would be more able to play a role of peaceful leadership in world affairs. Our place is not to be a servant of the United States but to take a cooperative approach to the enormous challenges in our region. I finish by warmly congratulating the Marrickville Peace Group, the Independent and Peaceful Australia Network, the Quaker grannies and all those who spent July taking up the cause against Talisman Saber.

Trade with China

Senator LAMBIE (Tasmania) (21:26): For reasons which will become obvious as my speech tonight unfolds, the information I am about to disclose to the Australian Senate would never have been spoken about by members of either the Liberal-National or Labor parties. Australia has a very complicated relationship with China and, to quote the ancient Chinese curse, we 'live in interesting times'. On 31 August this year, the same day when three major Australian industry groups launched a campaign to generate public support for the China free trade deal and when finance minister Mathias Cormann was reported in the Australian Financial Review as saying:

'People in Western Australia, perhaps more so than other parts of Australia, very well understand the importance of the trade relationship with China'

other media reported, under the headline 'China ready to launch military power from artificial islands in South China Sea':

By 2017, military analysts expect China will have equipped its new sand islands with ports, barracks, battlements, artillery, air strips and long-range radar systems that will enable it to project military and paramilitary power into the furthest and most hotly-contested reaches of the South China Sea.
Those facilities would give China the ability to obstruct other claimant countries and potentially disrupt sea lanes that carry more than three-fifths of Australia's merchandise trade, according to military analysts.

In the same article our defence minister, Kevin Andrews, is reported to have strongly supported US Secretary of Defense Ashton Carter's comments in May 2015 when he:

… demanded a 'lasting halt to land reclamation' and commissioned plans to conduct 'fly throughs' and 'sail throughs' within 12 nautical miles of the artificial islands.

The media article which reports on our defence minister's support for the US Secretary of Defense, Ashton Carter, continues:

China has won the first round of its contest for control in the South China Sea by completing construction of an archipelago of artificial islands, say senior Australian sources.

And there is little that will stop China from winning the next round, too, as an indecisive US Administration and allies including Australia struggle to follow through on earlier promises to challenge unlawful Chinese claims with 'freedom of navigation' exercises, the sources say.

So, on 31 May this year, we had two media articles describing the reaction of two different Abbott cabinet ministers to China's relationship with Australia.

Firstly, we have a finance minister who urges the Australian people to embrace a deal with China which, first, has the potential with investor-state dispute settlement or ISDS clauses and associated legal opportunities for our government to be sued by Chinese companies and, second, has provisions that allow the importation of Chinese workers to seriously compromise our nation's security and sovereignty. Secondly, we have a Defence minister who essentially urges the Australian people to be wary and on guard against a China whose unlawful international actions in international waters in the South China Sea have already compromised our national security and sovereignty.

On the very important subject of China taking actions which have compromised our national security and sovereignty, I have not even mentioned in my arguments so far other acts that China has carried out in recent times which have threatened Australia or Australia's allies' security and sovereignty. Most notable was the surprise visit of a flotilla of three Chinese warships in February 2014 on a military exercise that included combat simulations which sailed past territorial waters and Christmas Island. The media report of the incident said:

Never before has a Chinese naval drill come so close to Australia.

This month's exercise took the theory a good step closer to reality, bringing China's bold ambitions virtually to Australia's doorstep. In doing so, it has crystallised the challenge facing our military planners in preparing for a very different world.

On the subject of China's military might, I think of their recent parade. While our military planners are preparing for a very different world because of the rapid increase in Chinese military might and the willingness of the Chinese government to use that might, it appears that the Liberal and National Party leaders and members of this parliament, with their calls to rush into a free trade agreement with China and unreasonable abuse of those who urge caution, have not prepared for a very different world.
The important point I would like to make about a free trade agreement with China compared, for example, with FTAs listed on Australia's Department of Foreign Affairs and Trade website, including those with India, Japan, Korea, Malaysia, New Zealand, Singapore, Thailand and the United States, is that those countries have democratically elected governments who have not used their military to threaten Australia's security and sovereignty. China does not have a democratically elected government. Under communist rule, it has a long and spectacular history of human rights abuses. It has an equally long history of uninvited, aggressive military acts towards its neighbours, including our very own Australia.

Australia is not investing in hundreds of billions of dollars in state-of-the-art fighter jets and submarines because our defence planners see a future military threat from our current free trade partners—those being India, Japan, Korea, Malaysia, New Zealand, Singapore, Thailand and the United States. Let's at least be honest. We owe it to future generations of Australians. Australia's purchase of hundreds of billions of dollars of sophisticated military hardware—the F35 fighter jets and submarines—is because of the very real military threat the Chinese communist government poses to our nation and our allies. This is a simple statement of fact and not, as the Liberals and Nationals would have you believe, a xenophobic rant.

While I acknowledge that China is our major trading partner at the moment, I still make the point that Australia has a very complicated relationship with China. That relationship becomes even more complicated when you consider the extraordinary investment that most of Australia's major political parties have allowed the Chinese communist government to make in a coalmine on the Liverpool Plains in New South Wales. I visited the proposed Chinese government owned Shenhua coalmine site on the Liverpool Plains in New South Wales recently. The Chinese government would never allow the Australian government to establish a mine in the middle of their prime agricultural land. How that proposed Chinese government owned mine was ever given government approval to be established on some of the richest farming land in Australia defies rational explanation.

The Liverpool Plains site and exploration licence for the Chinese government owned mine was first approved by the disgraced and officially corrupt New South Wales politician Ian Macdonald. Ian Macdonald was found to be corrupt in 2013 by New South Wales's Independent Commission Against Corruption after he illegally approved a mining exploration licence for a different Hunter Valley company without reasonable cause or justification in 2007-08. Nonetheless, in 2008, to the surprise of all fair-minded people, the former Labor minister Ian Macdonald issued the mining exploration licence for the Chinese government owned mine against the advice of his own department.

Another extraordinary event happened with the Labor Party minister's granting of the mining exploration license. The Chinese government through its state owned company Shenhua paid a record Australian price of $300 million for an exploration licence. The Chinese government then also agreed to pay another whopping $200 million for a mining licence should it be issued. So we have a situation where the Chinese government's state owned company had, without turning a sod, committed a whopping $500 million to a coalmine in the middle of Australia's best farming land after a corrupt Labor politician gave them the official green light.

I have been reliably informed that, on the day Shenhua handed over the $300 million cheque to the New South Wales government, former Independent member of federal
parliament Tony Windsor was in the New South Wales state parliament and met representatives of Shenhua and asked them how were they going to handle the significant underground water issues at the site of their mine. Their response was unusual. Shenhua argued that it did not matter as the mine was in the Hunter Valley. Tony Windsor explained to them that this was incorrect and that they were west of the Great Dividing Range. They were visibly confused.

Fortunately for the Chinese government owned coal mine, the then energy minister, Liberal Chris Hartcher, changed the definition of 'flood plain' for the Shenhua project without any consultation or official process. Chris Hartcher was accused by the New South Wales corruption watchdog in 2013 of being the mastermind of a political slush fund. He resigned from cabinet in December 2013 after the Independent Commission Against Corruption, the ICAC, raided his office on the state's Central Coast. However, the Chinese government owned mine in the middle of our prime agricultural land continued to forge ahead at the proposed site despite the fact that its overburden and part of the eastern pit are on a flood plain as defined by the Water Management Act. But the new definition put in place by Liberal politicians says they are no longer on a flood plain.

Leader of Nationals, Andrew Stoner, via email two weeks after his party, along with the Liberals, won the election in 2011, requested the Minister for Planning to expedite the Chinese government coalmine despite claiming during the election that they would protect prime agricultural land. The initial New South Wales Planning Assessment Commission review made 25 recommendations to alter the Shenhua mine plan. The official Shenhua mine response argued against 19 of the recommendations and the government's official determination of the Planning Assessment Commission agreed with Shenhua mine. Again, kindly, the New South Wales government appointed board also removed each of the recommendations that Shenhua did not like and had argued against. The official New South Wales government conditions outlined extra land to be bought due to noise and dust impacts, and it would cost Shenhua mine approximately $300 million to comply. The Chinese government owned company then argued it would be politically sensitive for a foreign company to own such large tracts of prime agricultural land, and then—surprise, surprise—the Liberal government appointed mining review body removed this condition and saved the Chinese government owned mining company $300 million.

At the start of the process, Shenhua mine told the Liverpool Plains community in consultation meetings that they would undertake a valley-wide groundwater model to validate the mine and to make sure it would not impact on groundwater. Dr Jurgen Schaeffer was used as a consultant and underground expert to do this task. Shenhua mine to date have not presented a valley-wide groundwater model and deny they were ever going to do one. This denial is unusual because one of Dr Schaeffer's main tasks was to present a valley-wide groundwater model. Shenhua mine terminated Dr Schaeffer's contract three years after starting his work on underground water impacts. The Liverpool Plains community wonder what Dr Schaeffer told the Chinese government owned company. Did he say something about the groundwater on the Liverpool Plains that they did not want to hear?

Key Liberal and Labor politicians who enabled and helped the establishment of the Shenhua coalmine are not the only ones who have been caught up in corruption. The ABC reports that a number of directors of the Shenhua mine company have been investigated for
corruption in China. A former vice-president of Shenhua in China is being investigated by judicial authorities and several others in that country have been accused of acting corruptly. A report Shenhua prepared for the Chinese government in May showed that at least three other executives had been accused of acting corruptly: a former vice chief executive is accused of pocketing large sums of money after allegedly colluding with unscrupulous businessmen; a former chairman of the subsidiary, Shenhua Ningxia Coal Industry Group, is alleged to have received bribes from contractors, including a donation for a family temple; and a chief engineer of safety at Shenhua Ningxia Coal Group was investigated for allegedly extorting money from contractors on a coal-fire extinguishing project. Chinese court documents also show that six managers from Shenhua Ningxia Coal Industry Group's subsidiaries have been given jail sentences of between five and 13 years for accepting bribes.

Despite this incredible story of corruption on corruption with those key officials associated with this mine and with community outrage over this Chinese government owned mine, the federal government last month granted conditional approval to Shenhua for an open-cut coalmine near prime agricultural land in New South Wales. This is not a mine site; it is a crime site—an officially sanctioned government approved crime site with the assistance of the Labor Party, the Liberal Party and the National Party. I want to know how this outrage and injustice happened on our finest farming land, prime agricultural land, the total of which only occupies 3.4 per cent of Australia's land mass. The establishment of a Chinese government owned coalmine on the Liverpool Plains is an extraordinary and unprecedented act which defies rational explanation. It is so extraordinary that there needs to be an inquiry and questions must be asked in order to try to explain why a Chinese government owned coalmine ended up in the middle of our best food and fibre growing land the Liverpool Plains.

I asked my office to conduct research on the amount of influence the Chinese government has on Australia's political parties. My office studied the official figures on the Australian Electoral Commission website and found that there were two Chinese gentlemen with links to the Chinese Communist government who had donated significant funds to all political parties involved in the amazing and strange approval processes of the Shenhua coalmine. Dr Chau Chak Wing—also known as Zhou Zerong—is a Chinese-Australian billionaire property developer who owns: one, Kingold Group, one of the first foreign invested enterprises approved by the Chinese government; two, the HK Kingson Investment; and, three, Chun Yip Trading. Dr Chau invested in 2013-14 a total of $1,355,000 in the following political parties: the Australian Labor Party, the Liberal Party of Australia and the National Party of Australia, including their New South Wales branches. Dr Chau in 2007-08, the year the Shenhua mine was approved in New South Wales by corrupt Labor minister Macdonald, invested $761,000 under Hong Kong Kingson Investment in the Liberal, Labor and National Parties of Australia, including the New South Wales divisions. Dr Chau in 2007-08 made a further donation of $399,962 under Chun Yip Investment in the Liberal, Labor and National Parties of Australia. Dr Chau in 2007-08 also made another $200,000 under Tech Dragon Holding Limited to the Liberal Party of New South Wales.

In media reports, former Prime Minister Mr Howard said he understood that Dr Chau had a 'very successful rags-to-riches story' and that he had himself attended 'a couple of functions' for the billionaire in China. Asked about Dr Chau's political connections in China, he replied simply: 'He's clearly very well connected.' I say that in Australia he is also clearly very well
connected. Another political source said Dr Chau had become an important conduit for Australians looking for connections in China, and particularly southern China, at both a political and a corporate level. Another person living in China who presumably has connections with the Chinese government is Zi Chun Wang. He was the highest donor to the Labor Party in 2013-14, with two donations totalling $850,000. Media reports say Mr Zi potentially operates under another name, is China based and is linked to Ever Bright Group.

Most Australians would be shocked to learn of the size of the donations to our major political parties by people who have links—most likely strong links—to the Chinese communist government. The question must be asked and answered, especially in light of the approval of the Shenhua mine, a Chinese government state owned mine: what political influence does this money—$3.5 million—buy?

In future speeches I will further detail the money given to the New South Wales Nationals, Liberal and Labor parties by people with links to Chinese government, while a dodgy Chinese coalmine was given approval on our best prime agricultural farming land.

Senate adjourned at 21:45

DOCUMENTS

Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

A New Tax System (Family Assistance) Act 1999—Child Care Benefit (Children in respect of whom none is eligible) Determination 2015 [F2015L01404].

A New Tax System (Family Assistance) (Administration) Act 1999—

A New Tax System (Family Assistance) (Administration) (Child Care Benefit—Record Keeping) Amendment Rules 2015 (No. 1) [F2015L01406].

Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination 2015 (No. 2) [F2015L01405].


Civil Aviation Act 1988—Civil Aviation Safety Regulations 1998—

Exemption—foreign cadet pilots taking flight test for a commercial pilot licence—class 1 medical certificate—CASA EX156/15 [F2015L01409].


Customs Act 1901—

Customs Legislation Amendment (Drugs) Regulation 2015—Select Legislative Instrument 2015 No. 152 [F2015L01398].


Superannuation Act 2005—Superannuation (PSSAP) Membership Eligibility (Inclusion) Amendment Declaration 2015 (No. 3) [F2015L01407].

Tabling

The following documents were tabled pursuant to standing order 61(1)(b):

Treaties—

Bilateral—

Agreement between the Government of Australia and the Government of Lao People’s Democratic Republic relating to Air Services (Brisbane, 4 July 2015)—Text, together with national interest analysis and annexures.

Treaty between Australia and the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters (Brisbane, 15 November 2014)—Text, together with national interest analysis.

Multilateral—Amendments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended Resolution MSC.380 (94) (21 November 2014)—Text, together with national interest analysis and annexure.

Tabling

The following documents were tabled by the Clerk pursuant to order:


Estimates hearings—Unanswered questions on notice—Budget estimates 2015-16—Statement pursuant to the order of the Senate of 25 June 2014—Immigration and Border Protection portfolio.

Indexed lists of departmental and agency files for the period 1 January to 30 June 2015—Statements of compliance pursuant to the order of the Senate of 30 May 1996, as amended—

Australian Public Service Commission.

Commonwealth Ombudsman.

Department of the Prime Minister and Cabinet.