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SITTING DAYS—2014

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<td>March</td>
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<td>June</td>
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<td>July</td>
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<td>September</td>
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<td>December</td>
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- PERTH 585AM
- SYDNEY 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

Senate Office holders
President—Senator Hon. Stephen Parry

Deputy President and Chair of Committees—Senator Gavin Mark Marshall

Temporary Chairs of Committees—Senators Christopher John Back, Cory Bernardi, Sam Dastyari, Sean Edwards, Alexander McEachian Gallacher, Susan Lines, Deborah Mary O'Neill, Nova Maree Peris OAM, Dean Anthony Smith, Zdenko Matthew Seselja, Glenn Sterle, Peter Stuart Whish-Wilson and John Reginald Williams

Leader of the Government in the Senate—Senator Hon. Eric Abetz

Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC

Leader of the Opposition in the Senate—Senator the Hon Penny Wong

Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy

Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield

Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips

Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz

Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC

Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion

Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash

Leader of the Opposition in the Senate—Senator the Hon Penny Wong

Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy

Leader of the Australian Greens—Senator Christine Anne Milne

Leader of the Palmer United Party in the Senate—Senator Glenn Patrick Lazarus

Deputy Leader of the Palmer United Party in the Senate—Senator Jacqui Lambie

Chief Government Whip—Senator David Christopher Bushby

Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston

The Nationals Whip—Senator Barry James O'Sullivan

Chief Opposition Whip—Senator Anne McEwen

Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart

Australian Greens Whip—Senator Rachel Siewert

Palmer United Party Whip—Senator Zhenya Wang

Deputy Palmer United Party Whip—Senator Jacqui Lambie

Printed by authority of the Senate
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<tr>
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<th>State or Territory</th>
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<th>Party</th>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
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<tr>
<td>Back, Christopher John</td>
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<td>Bernardi, Cory</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
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<td>Birmingham, Hon. Simon John</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
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<td>Brown, Carol Louise</td>
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<td>Day, Robert John</td>
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<tr>
<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<td>Gallacher, Alexander McEachian</td>
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<tr>
<td>Lundy, Kate Alexandra</td>
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<td>Muir, Ricky Lee</td>
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<td>Senator</td>
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<td>Xenophon, Nicholas</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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<th>Territory</th>
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<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<tr>
<td>Australian Capital Territory</td>
<td>Lundy, K.</td>
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<td>Seselja, Z.M.</td>
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<td>Scullion, N. G.</td>
<td>CLP</td>
<td>Peris, N.M.</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
**ABBOTT MINISTRY**

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
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</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Assistant Minister for Employment</td>
<td></td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td><strong>Attorney-General</strong></td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
<td>The Hon George Brandis QC</td>
</tr>
<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon George Brandis QC</td>
</tr>
<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
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<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Acting Assistant Treasurer</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Minister for Agriculture</strong></td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td>(Leader of the House)</td>
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<tr>
<td>Assistant Minister for Education</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education</td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
<td><strong>Minister for Industry</strong></td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry</td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon Kevin Andrews MP</td>
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<tr>
<td>Assistant Minister for Social Services (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Mitch Fifield</td>
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<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Marise Payne</td>
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<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 Communications</strong></td>
<td>The Hon Malcolm Turnbull MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
<td>The Hon Paul Fletcher MP</td>
</tr>
<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td><strong>Minister for Sport</strong></td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon Fiona Nash</td>
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<tr>
<td>Title</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon David Johnston</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Stuart Robert MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Defence</td>
<td>The Hon Darren Chester MP</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for the Environment</td>
<td>Senator the Hon Simon Birmingham</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Scott Morrison MP</td>
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<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
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</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Finance</td>
<td>The Hon Michael McCormack MP</td>
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</table>

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.
### SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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<tbody>
<tr>
<td>Leader of the Opposition Hon David Feeney MP</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>
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</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>
</tr>
<tr>
<td>Deputy Leader of the Opposition</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td>Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
</tr>
<tr>
<td>Manager of Opposition Business (Senate)</td>
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<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Hon David Feeney MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon Matt Thistlethwaite MP</td>
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<tr>
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</tr>
<tr>
<td>Shadow Minister for Trade and Investment</td>
<td>Senator the Hon Penny Wong</td>
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<tr>
<td>Shadow Parliamentary Secretary for Trade and Investment</td>
<td>Dr Jim Chalmers MP</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate</td>
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<tr>
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<td>Shadow Parliamentary Secretary for Regional Development and Infrastructure</td>
<td>Allanah MacTiernan MP</td>
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<td>Shadow Parliamentary Secretary for External Territories</td>
<td>Hon Warren Snowdon MP</td>
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<td>Hon Ed Husic MP</td>
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<td>Shadow Minister for Environment, Climate Change and Water</td>
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<td>Senator the Hon Kim Carr</td>
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<td>Hon Sharon Bird MP</td>
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<td>Shadow Assistant Minister for Higher Education</td>
<td>Hon Amanda Rishworth MP</td>
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<td>Shadow Minister for Justice</td>
<td>Hon David Feeney MP</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney General</td>
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<td>Hon Amanda Rishworth MP</td>
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<td>Shadow Parliamentary Secretary for Education</td>
<td>Julie Owens MP</td>
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<td>Shadow Minister for Agriculture</td>
<td>Hon Joel Fitzgibbon MP</td>
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<td>Shadow Minister for Rural Affairs</td>
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<td>Shadow Minister for Resources</td>
<td>Hon Gary Gray AO MP</td>
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<td>Shadow Minister for Northern Australia</td>
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<td>Shadow Special Minister of State</td>
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<td>Shadow Parliamentary Secretary for Northern Australia</td>
<td>Hon Warren Snowdon MP</td>
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<td>Shadow Minister for Health</td>
<td>Hon Catherine King MP</td>
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<td>Stephen Jones MP</td>
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<td>Shadow Minister for Mental Health</td>
<td>Senator Hon Jan McLucas</td>
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<td>Shadow Minister for Sport</td>
<td>Hon Bernie Ripoll MP</td>
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<td>Shadow Parliamentary Secretary for Health</td>
<td>Hon Nick Champion MP</td>
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<td>Shadow Minister for Families and Payments</td>
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<td>Senator the Hon Doug Cameron</td>
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<td>Shadow Parliamentary Secretary for Families and Payments</td>
<td>Senator Carol Brown</td>
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<tr>
<td>Shadow Minister for Immigration and Border Protection</td>
<td>Hon Richard Marles MP</td>
</tr>
<tr>
<td>Shadow Minister for Citizenship and Multiculturalism</td>
<td>Michelle Rowland MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Hon Matt Thistlethwaite MP</td>
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<td>Shadow Minister for Indigenous Affairs</td>
<td>Hon Shayne Neumann MP</td>
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<td>Shadow Minister for Ageing</td>
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<tr>
<td>Shadow Parliamentary Secretary for Indigenous Affairs</td>
<td>Hon Warren Snowdon MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Aged Care</td>
<td>Senator Helen Polley</td>
</tr>
<tr>
<td>Shadow Minister for Employment and Workplace Relations</td>
<td>Hon Brendan O’Connor MP</td>
</tr>
<tr>
<td>Shadow Minister for Employment Services</td>
<td>Hon Julie Collins MP</td>
</tr>
</tbody>
</table>
## CONTENTS

**MONDAY, 22 SEPTEMBER 2014**

### Chamber

**STATEMENT BY THE PRESIDENT**
- Parliament House: Security .......................................................... 6575

**CONDOLENCE**
- Evans, Mr Harry ........................................................................... 6575

**BUSINESS**
- Rearrangement ........................................................................... 6581

**BILLS**
- Omnibus Repeal Day (Autumn 2014) Bill 2014—
  - Second Reading ........................................................................ 6582
  - In Committee ........................................................................... 6612

**MINISTERIAL ARRANGEMENTS** .................................................. 6627

**QUESTIONS WITHOUT NOTICE**
- Iraq and Syria ............................................................................. 6628

**DISTINGUISHED VISITORS** ....................................................... 6628

**QUESTIONS WITHOUT NOTICE**
- Iraq and Syria ............................................................................. 6629

**DISTINGUISHED VISITORS** ....................................................... 6630

**QUESTIONS WITHOUT NOTICE**
- Iraq and Syria ............................................................................. 6630
- National Security ........................................................................ 6631
- Syria ............................................................................................ 6633
- Workplace Relations ................................................................... 6634
- Future of Financial Advice .......................................................... 6635
- Indigenous Affairs ....................................................................... 6637
- Budget ......................................................................................... 6639
- Child Care .................................................................................... 6640
- Budget ......................................................................................... 6642
- Veterans' Affairs ......................................................................... 6644

**QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS**
- Future of Financial Advice .......................................................... 6645
- Budget ......................................................................................... 6649

**QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS**
- Iraq and Syria ............................................................................. 6650

**MINISTERIAL STATEMENTS**
- National Security ........................................................................ 6651

**PETITIONS**
- Point Peron ................................................................................... 6658

**NOTICES**
- Presentation .................................................................................. 6659

**BUSINESS**
- Consideration of Legislation ......................................................... 6664
- Leave of Absence ......................................................................... 6664
- Leave of Absence ......................................................................... 6664
- Withdrawal .................................................................................... 6664
CONTENTS—continued

COMMITTEES—
  Foreign Affairs, Defence and Trade Joint Committee—
    Meeting ........................................................................................................... 6664
BUSINESS—
  Rearrangement ............................................................................................. 6665
MOTIONS—
  Kehazaei, Mr Hamid ....................................................................................... 6665
MATTERS OF URGENCY—
  Climate Change ............................................................................................... 6665
MINISTERIAL STATEMENTS—
  G20-OECD Tax and Transparency ................................................................... 6680
DOCUMENTS—
  Tabling............................................................................................................... 6680
  Aboriginal and Torres Strait Islander Peoples Act of Recognition Review Panel.... 6701
BILLS—
  Business Services Wage Assessment Tool Payment Scheme Bill 2014—
  Social Services and Other Legislation Amendment (2014 Budget Measures No. 2)
    Bill 2014—
    Explanatory Memorandum............................................................................. 6704
COMMITTEES—
  Community Affairs Legislation Committee—
    Additional Information.................................................................................. 6704
  Economics Legislation Committee—
    Report............................................................................................................ 6704
  Parliamentary Joint Committee on Intelligence and Security—
    Report............................................................................................................ 6704
DOCUMENTS—
  Tabling............................................................................................................... 6706
COMMITTEES—
  Membership..................................................................................................... 6706
BILLS—
  Minerals Resource Rent Tax Repeal and Other Measures Bill 2014—
  Energy Efficiency Opportunities (Repeal) Bill 2014—
  Social Services and Other Legislation Amendment (Seniors Health Card and Other
    Measures) Bill 2014—
  Classification (Publications, Films and Computer Games) Amendment (Classification
    Tools and Other Measures) Bill 2014—
  Corporations Amendment (Simple Corporate Bonds and Other Measures) Bill 2014—
  Land Transport Infrastructure Amendment Bill 2014—
  Meteorology Amendment (Online Advertising) Bill 2014—
    Assent............................................................................................................ 6707
COMMITTEES—
  Legal and Constitutional Affairs Legislation Committee—
    Report.............................................................................................................. 6708
BILLS—
  Omnibus Repeal Day (Autumn 2014) Bill 2014—
    In Committee................................................................................................ 6708
CONTENTS—continued

Third Reading........................................................................................................... 6712
Health Workforce Australia (Abolition) Bill 2014—
   Second Reading.................................................................................................... 6713
   Third Reading...................................................................................................... 6730
Australian National Preventive Health Agency (Abolition) Bill 2014—
   Second Reading................................................................................................... 6730
ADJOURNMENT—
   Yvonne, Ms May.................................................................................................. 6748
   Road Safety........................................................................................................... 6750
   Animal Welfare .................................................................................................. 6752
   Motor Neurone Disease....................................................................................... 6754
DOCUMENTS—
   Tabling.................................................................................................................. 6756
Indexed Lists of Departmental and Agency Files—
   Order for the Production of Documents................................................................. 6759
Estimates Hearings—
   Order for the Production of Documents................................................................. 6759
Monday, 22 September 2014

The PRESIDENT (Senator the Hon. Stephen Parry) took the chair at 10:00, read prayers and made an acknowledgement of country.

STATEMENT BY THE PRESIDENT

Parliament House: Security

The PRESIDENT (10:01): Honourable senators, I wish to make a statement concerning security matters in Parliament House. As you would be aware, there has been significant discussion in relation to security at Parliament House following the National Terrorism Public Alert level being raised from medium to high. As President, I am working closely with the Speaker and the intelligence and security agencies to implement necessary security measures and changes here at Parliament House. Senators will notice changes to security practices and procedures, particularly in Parliament House, which are designed to enhance and strengthen the existing security arrangements.

I ask that senators be patient as new security procedures are implemented. Whilst every effort will be made to minimise disruption to senators and building occupants, these new measures are necessary to ensure safety to Parliament House and, in particular, the occupants.

CONDOLENCES

Evans, Mr Harry

The PRESIDENT (10:02): Honourable senators, it is with deep regret that I inform you of the death earlier this month of Harry Evans, former Clerk of the Senate from 1988 until 2009. He was the longest-serving Clerk in the Senate's history. I call the Leader of the Government in the Senate, Senator Abetz.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (10:02): by leave—I move:

That the Senate records its deep regret at the death, earlier this month, of Harry Evans, Clerk of the Senate from 1988 to 2009, places on record its appreciation of his long and meritorious service to the Parliament of Australia, and particularly to the Senate, and tenders its profound sympathy to his family in their bereavement.

I am confident to say that the late Mr Harry Evans would not want a motion of condolence to be moved in this place, but I am equally confident that it is appropriate and right that we do this today, the very first sitting day since the news of his death, because of the singular contribution he made to the institution that is the Australian Senate. It is a consequence of the relatively high turnover of this chamber that many current honourable senators would not have worked with former Clerk Evans, but I am sure all will be aware of his authoritative writings and his high public profile, as he saw it, as a protector and defender of the Senate.

Harry Evans joined the Department of the Senate from the Parliamentary Library in 1969. As President Hogg said on the eve of the Clerk's retirement from the Clerk's chair in 2009, the reason Harry was recruited was that the then Clerk, Jim Odgers, had noticed the quality of Harry Evans's prose. It was a very fortunate recruitment. Mr Evans went on to steadily move through various offices of the Senate, eventually becoming a Clerk Assistant and then Deputy
Clerk. In 1988 he became Clerk of the Senate just before the parliament moved up the hill into its new and permanent home. He served for a record of 21 years as Clerk of the Senate and head of the Department of the Senate. This is a record that will never be eclipsed because of the statutory limit of 10 years introduced in 1999.

Clerk Evans was a champion of the rights of individual senators. He had served as secretary of the Standing Committee on Regulations and Ordinances and helped the committee develop its noble reputation as being a guardian against the excessive use of executive and delegated power by governments. He also set up the Procedure Office as a response to the increasing number of senators who did not represent the major political parties. While the current make-up of the Senate presents a challenge to all of us, I have no doubt that Clerk Evans would have revelled at the prospect and would have been delighted to see the steady growth of the size of the crossbench because he saw it as a part of the necessary handbrake on executive domination of the parliament.

It is important, however, for me to note, as someone who as a minister worked very closely with Clerk Evans, that while he propounded strong and well-argued views on the role of the executive and the importance of the Senate maintaining its powers of scrutiny, he was equally encouraging of senators from major parties pursuing their own approach and he was an adviser without parallel when senators got themselves into sticky procedural situations, as occasionally happens I am informed.

Clerk Evans rewrote the Senate standing orders into the readable and concise set of rules that govern us today and, if anyone has read some of the standing orders of the state houses of parliament, we can be very thankful that what we have is much clearer and straightforward. He also consolidated and edited several editions of our Senate practice, which he renamed to honour his own mentor, Jim Odgers. That is now a ready and valuable reference in this parliament and, indeed, many other legislatures.

Clerk Evans was regarded as the doyen of the clerks not only in Australia and the Pacific but also further afield and he was especially highly regarded by the clerks or parliamentary officers of other upper houses in the parliamentary democracies of the world. He was an authority on the Federation debates and keenly aware that our founding fathers in writing the Australian Constitution did not blindly follow the British prescript but also included elements from the United States such as equal representation of all the states in the Senate regardless of population, and even Switzerland, which provided some of the basis for our federal referendum provisions. Clerk Evans was also a particular authority on, and fan of, a founding father from my own state Andrew Inglis Clark whose affinity with North America played much of a role in the drafting of our Constitution. Clerk Evans's legacy is the strong and robust Senate we have today. It is not one that the person occupying the chair of the leader of the government always enjoys, but it is the legacy that all of us who value the Senate cherish.

Harry Evans loved the position of words. He loved the quiet and grandeur of the Australian bush. Above all he cherished the Australian Senate and loved his family. It is to them that we turn our minds today. Because of illness Harry was robbed of the long retirement that he had so richly earned. To his wife, Rhonda, their sons, Ben and Sam, and their daughter, Beth, we offer our sincerest condolences. We will never see the like of Harry Evans again, but this place is all the better for the monumental contribution he made to the parliament of Australia.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:08): I rise on behalf of the opposition to express our sadness and our condolences at the passing of Mr Harry Evans earlier this month. At the outset I want to extend our sympathy to the family of Mr Evans and to those closest to him as they mourn his loss. As we know, Mr Evans was a private man but a public figure—indeed, an extraordinary parliamentary officer over a career that began in a parliamentary library in 1967 and continued in the Department of the Senate from 1969.

As Senator Abetz has said, his length of service as Clerk of the Senate over 21 years, commencing in the Old Parliament House and concluding here in 2009, is extraordinary. No individual has served the Senate longer, not even those such as John Ernest Edwards or James Rowland Odgers, who are recognised in our most significant publications—and, presumably, with changes to legislation in the late nineties to limit the tenure of the Clerk to one single 10-year turn, this record is unlikely to be surpassed.

In 1946, journalist Warren Denning wrote:

Without its permanent administrative officials, Parliament would be a rudderless ship, a ship of state with many captains, lots of passengers, but no crew.

Mr Evans was a peerless administrative leader in his time, a man of great integrity who guided senators in the Senate as he navigated many challenges throughout his career. He was well known as a champion of the rights and legislative powers of our chamber and our parliamentary democracy. He recognised the role that the Senate can play as a crucial check in a system where the executive has enormous power, against which the Senate is sometimes the only constitutional safeguard; and he helped the Senate discover ways in which to assert its rightful legislative authority against executive overreach. He had a strong appreciation of the intent of the framers of the Constitution for the role and function of the Senate. In his parliamentary paper in 2009 on The role of the Senate, he said:

Governments are supposed to be accountable to parliament, and through parliament to the electorate …

Under the cabinet system, however, governments normally control lower houses through disciplined party majorities. Lower houses are not able to hold governments accountable, because governments simply use their majority to limit debate and inquiry in relation to their activities. Indeed, governments use their lower house majorities to suppress and limit accountability. They thereby seek to conceal their mistakes and misdeeds and prevent the electorate passing an informed judgement.

In this situation, upper houses not controlled by the government of the day are the only avenue for accountability to parliament.

He went on to say:

A reviewing house without power over legislation would be ineffective. This is why the framers gave the Senate full legislative powers.

In the face of strong views occasionally expressed about the Senate and its role by leaders of my own party and by others which are well known, Mr Evans was always stoic in his defence of this chamber, its rights and its responsibilities.

As Senator Abetz has said, one of Mr Evans's most substantial contributions was through the editing of seven editions of Odgers' Australian Senate Practice, beginning in 1995 with a substantial revision of this work. The fact that it continues to be the authoritative publication not just on Senate procedures but on foundation principles of the Australian Constitution—of particular relevance to this chamber—and federalism, bicameralism and the separation of
powers is a tribute not just to the efforts of Harry Evans but to his knowledge and interest in the ongoing exposition of the place of the Senate in our country's system of government.

In a debate in the other place during budget deliberations in 1932, there was some discussion about the salaries of high-level public servants. In the context of that debate, the former Speaker of the House of Representatives, Sir Littleton Groom, recognised the high degree of scholarship required of the Clerk, saying:

Even persons eminent in the legal profession would not attempt to pose as experts in parliamentary practice and procedure.

Fortunately, Harry Evans was not only a man of a high degree of scholarship and an expert in parliamentary practice and procedure but also a gentleman.

I count myself as extraordinarily privileged to have had the opportunity to know Harry Evans professionally over his last seven years in the Senate, after I took my seat in this place in 2002, and I, like many others, sought his advice on many occasions. Any person who served as a senator during his period as Clerk—and there were over 300 of us; 304, I think, in his 40 years of parliamentary service—would recognise that as a parliamentary officer Mr Evans was without peer. So too would the staff of senators and of the Department of the Senate who worked with and alongside him. Those who have arrived here since 2009 would recognise the legacy of his own work as Clerk that lives on not just in his writings but in the standards of competence and professionalism he instilled in those who continue to serve us today.

We mourn today and honour the passing of one of this country's greatest servants of democracy. Harry Evans exemplified the high standards and ideals of this Senate. We honour his service to this chamber and, through it, to the nation and the Australian people. We reiterate our sympathies to his family.

Senator MILNE (Tasmania—Leader of the Australian Greens) (10:14): I rise today on behalf of the Australian Greens to support and join the condolence that has already been expressed by the Leader of the Government and the Leader of the Labor Party here in the Senate. I was one of those who was fortunate enough to serve in the Senate when Harry Evans was here as the Clerk. He was a private person and a humble person, but he brought his considerable intellect and scholarship to the service of this country, and that is what he will be remembered for—for strengthening our democracy by the fierce stand he took for the rightful role of the Senate in our parliamentary democracy.

He first arrived in 1969 and he described the Senate of that time in this context:

… every constitutional, parliamentary and procedural issue launched a bevy of appeals to the Westminster model. Whatever was allegedly done at Westminster was thought to be our infallible guide.

… … …

Nowadays invocations of Westminster are only occasionally made, and lack the air of authority they once had. We now appeal to general principles of governance and our own practices.

He was a staunch believer not only in the independence and power of the Senate but in the need to constantly improve the practices that suit Australian governance. He wanted to ensure that the Australian parliament stood for and reflected in Australia the values that we think are important in this country and that they be reflected in parliamentary practice.
He also understood the difficulties faced by those who are elected to the Senate as independents or in parties other than the two parties of government and opposition. So not only did he rewrite Odgers’ but he brought in a series of reforms and changes that have been of immeasurable value to those of us who are in third parties or are independents. For example, he recognised the need for procedural advice and access to parliamentary drafting services. He brought about the changes that enabled everybody to access that advice. I think I can speak on behalf of everybody in recognising just how important that procedural advice is for everyone. He also brought in the practice of the referral of bills. The system that we now operate under was one that he designed. It makes for efficient and, I think, independent but fair processes for discussion of how bills are referred and how the system should work.

He was a fierce champion of the Senate sitting in its rightful constitutional place—that is, supreme over the executive government. He referred once to the executive's wish for committees to be 'feedlot animals kept under close control and supervision'. So he stood very firmly for the Senate's rights under sections 53 and 57 of the Constitution. Later, in referring to the executive in one of his papers, he wrote:

Here the executive government not only controls the legislature but exercises an iron discipline over it. This is particularly obvious in lower houses around the country, where the executive totally dominates and absolutely controls those houses, to the extent that the legislative function is virtually killed off.

That is why he advocated so strongly for the power of upper houses to actually scrutinise.

His lasting legacy, apart from the tremendous assistance he gave to every senator who served in this place while he was the Clerk, is, of course, his body of writing. I recommend that people read some of Harry Evans's papers. I will read the titles of some of them, to give you a sense of the breadth of his contribution: 'The government majority in the Senate: A nail in the coffin of responsible government?', 'Accountability and corporate governance in the new parliament', 'The Senate, accountability and government control', 'The Australian parliament: Time for reformation', 'The intertwined history of Canberra and the parliament', 'Constitutionalism, bicameralism and control of power', 'Elections: Constitutional complexities and consequences', 'Ethics and Public Service governance'—and on it goes. There is a great deal to be learned about the history of parliamentary democracy and its practice here in Australia from the academic writings of Harry Evans. I think his lasting advice to us all were the words he gave when he spoke of 'restraint of the executive by a stronger legislature'. That is his advice to all of us. In paying my respects to Harry and acknowledging his contribution to Australia because of his strengthening of the Senate and our democracy, I also convey our condolences to his wife, Rhonda, and to his children, Ben, Sam and Beth.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (10:20): I rise to offer the Nationals and my own most sincere condolences to Mrs Rhonda Evans and her family.

Harry Evans was an institution in the Australian parliamentary system, a man of rare abilities who put them to the service of his country. In 1967 Harry commenced as a librarian in training with the Parliamentary Library on a salary of just $3,239 per year. By 1969 he had come to the attention of the legendary Jim Odgers, Clerk of the Senate, who wanted to bring out a new edition of his Australian Senate Practice. Odgers was looking for a good researcher to work with him on a project; Harry, with his strong interest in history applied for and got a
job. It is this promotion that set up his mastery of Senate practice, and 40 years of it. Harry was one of the finest of the new Clerk Assistants and was responsible for the Committee Office until he returned to the Procedure Office in 1985 before being promoted to Deputy Clerk in 1987. In 1998 he was promoted to Clerk of the Senate.

It is the mark of a man that his retirement should occasion a glowing farewell in the usually dry annual report of the Department of the Senate 2009-10. I would like to read an extract from this, which said:

After more than 40 years of service to the Senate, Harry Evans’s contribution can be measured in much greater terms than simply time served. A renowned expert on parliamentary privilege, Harry was the principal critic of the judgments of Mr Justice Cantor and Mr Justice Hunt in the case of R v Murphy which were the catalyst for the enactment of the Parliamentary Privileges Act 1987. His next challenge was to rationalise the Senate’s standing orders, transforming them—
as we have already heard today from what some would describe as—

… a somewhat antiquated and motley collection into a rational body of rules written in plain English and appropriate for a modern parliament. While the revised standing orders were a codification of existing practice, they contain many examples of Harry’s formidable capacity for reducing complicated things to simple and crystal clear prescriptions.

The report goes on:

There are many other examples of his ability to devise and draft procedures to give effect to senators’ desires to see the Senate performing its functions more effectively. Also formidable is Harry’s body of writing on parliamentary matters. In 1994, he produced a new version of the classic text, Australian Senate Practice, renamed as Odgers’ Australian Senate Practice after its first author and Clerk of the Senate from 1965 to 1979, James Rowland (Jim) Odgers. During his time as Clerk of the Senate, Harry produced six editions of this major parliamentary work, ensuring the availability of the most up-to-date information about the evolving Senate, its constitutional position and its procedures. ‘The Book’, as he fondly called it, remains as a testament to his endeavours to promote the institution of Parliament, and the Senate in particular, as one of the last bulwarks against executive domination. A collection of his other writings was published in February 2010 as a special issue of the department’s journal, Papers on Parliament.

Senators paid tribute to their retiring Clerk on 19 November 2009 and a recurring theme was the independence and impartiality which Harry Evans brought to the performance of his office and the fearlessness with which he defended the powers and role of the Senate. While his advice was not always appreciated by governments, Harry achieved the distinction of being criticised by governments of all complexions and—
equally, I suspect—

respected by all.

The department’s annual report also says:

As a chief executive officer, Harry Evans also represented the highest standards of ethical leadership, probity and the pursuit of value for money on behalf of the taxpayer. The Senate committee inquiry process remains one of the most cost-effective means of scrutinising governments’ policies, operations and legislative proposals, and the Committee Office operates at a fraction of the cost of such agencies as the Productivity Commission or the Australian National Audit Office.

Our current Clerk, Rosemary Laing, said:

Harry was a shy and modest man who led by example. We remember him as a generous mentor to those of us who wanted to learn about the Senate and its procedure. As an administrator, he was not afraid to
make a decision and his efficiency in clearing paperwork was legendary. He also possessed a wry sense of humour that many of his colleagues will long remember.

Harry Evans was an astute observer of the parliamentary system, saying in his last Senate lecture in 2009:

Knowledge has always been power, but the management of information has become the key to government.

I came to this place at the same time as the Leader of the Opposition, in 2002. Almost immediately after taking my place in parliament, Harry brought to my attention that it was likely that I was in conflict with section 44 of the Constitution. He was more excited about this than I was, but I must acknowledge that his knowledge of the system assisted me in getting through three years of my term with that hanging over my head. There were a whole range of convolutions surrounding that issue and it was only Harry who was able to guide me through them. He also gave me some simple advice: 'In this place, Nigel, we are not sure what will happen. As long as you are open and frank with the Senate, it will treat you well.' I had three miserable years, but his advice, at the end of the day, was right on the money. I was certainly shocked to hear that Harry had passed away. It seems too soon for a man who had become an institution to leave us all behind. Vale, Harry Evans.

The PRESIDENT (10:27): Before I ask senators to stand in assent to the motion, I will just add some comments myself which go to the loyalty of Harry as Clerk of the Senate. Typical of him, I think, is that he retired on Friday, 4 December, and on the following Monday appeared back before the Senate Finance and Public Administration Committee. I thought that was testimony to the man. As another example, he took sick leave in his first year as Clerk in 1988—and never required sick leave again for 20-odd years. I think that again typifies the loyalty of the man to the Senate.

I also discovered that he was a shooter of some note. He used to like to shoot game—mainly rabbits. There is a recipe, which I am sure you can obtain from the Clerk's office, about how to cook the finest rabbit. Some of the comments in the recipe are quite humorous. In extending my sympathies to Harry's family, I also, on behalf of all senators, extend them to the Clerk, the Deputy Clerk and all of the people in the Senate who worked very closely with Harry. They were his second family. I know the Clerk's office has particularly felt this at this time.

Question agreed to, honourable senators standing in their places.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (10:29): I move:

That government business order of the day no. 1 (National Security Legislation Amendment Bill (No. 1) 2014) be postponed till the next day of sitting.

Question agreed to.
BILLS
Omnibus Repeal Day (Autumn 2014) Bill 2014
Second Reading

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

Senator JACINTA COLLINS (Victoria) (10:29): Labor will be supporting the Omnibus Repeal Day (Autumn 2014) Bill 2014. This is the headline bill of a set of 12 bills introduced by the government as part of the 'cutting red tape agenda' and 'Repeal Day' that some senators might recall from many, many months ago. We heard much rhetoric from the government about the significance of this legislation—about how we needed this bill to put a halt to the 'avalanche of regulation that is impeding investment and innovation and the creation of new jobs', as the parliamentary secretary, Mr Frydenberg, told the other place on its introduction.

I checked the date on which Mr Frydenberg made this speech, and it was, indeed, Wednesday, 19 March 2014. That is appropriate, as the bill is called the Omnibus Repeal Day (Autumn 2014) Bill. Today is Monday, 22 September 2014, six months later. The only place where it is autumn is in another hemisphere. The fact that the government has taken six months to bring on debate on this bill in the Senate— it passed the other place on 26 March 2014—makes a lie out of the claim by the government that somehow this bill would be turning back the tide of red tape. The legislation that is in front of us repeals a series of legislative instruments that no-one has looked at for years, that have no impact on anyone, that have no effect at all. But we keep hearing from those opposite that this legislation is going to make a big difference for business.

As the shadow minister for finance, Mr Burke, said in his contribution to the debate in the other place, it is rare in the parliament to have so much hype over so very, very little. This is legislation that says very little—arguably, close to nothing. It is no surprise that, when the Senate Finance and Public Administration Legislation Committee inquired into the bill, it made one unanimous recommendation: that the bill should be passed. The explanatory memorandum to the bill claims that repeal or amendment of the legislation affected is required to 'reduce regulatory burden for business, individuals and the community sector', to 'ensure regulation is accessible' and to reduce the time it takes to find and access regulations.

The vast majority of the items that are being repealed or amended in this bill have no impact—they relate to legislation that has already ceased or is redundant, or has no impact on current measures, or is innocuous.

Labor challenges those in the government, when they are referring in their speeches to the difference that this will make to small businesses, to refer to one section of the bill, just one, where that difference can be highlighted. I think we will hear broad-ranging contributions about regulations being bad. They will give examples of too much legislation and things like that. But will government senators be able to demonstrate a single link in their speeches—and I challenge Senator Seselja to do so when he makes his contribution—between a single word within the legislation that is before the Senate and a positive, meaningful difference for small business? I doubt it. Maybe there are small businesses in the mule and bullock trade that have been anxiously waiting for this to be clarified on the statute books—unlikely—but to hold this
legislation up as being a serious example of economic reform is one of the strangest, most creative arguments we have heard in this parliament.

Labor ensured that this bill was referred to a Senate committee inquiry to make sure, through the ordinary Senate inquiry process, that there was a Senate check on these issues. It was no surprise that the Finance and Public Administration Legislation Committee found nothing in this bill that was offensive—indeed, it reported back in autumn too. It reported back in May that there was no offence in this legislation. But the reason that it was not able to find anything offensive in it is that, essentially, there is nothing in this bill. There is absolutely nothing before us that makes a difference to anyone in the world today. It does not make a difference to anyone.

The Omnibus Repeal Day (Autumn 2014) Bill 2014 repeals or amends the provisions of a total of 81 pieces of legislation in the portfolios Agriculture, Communications, Defence, Employment, Environment, Finance, Industry, Prime Minister, Social Services and Treasury. It is claimed that the bill will reduce the regulatory burden for business, individuals and the community sector. We will vote for the bill, and I again challenge anyone to find a reason to be passionately in favour of or against the bill, because this legislation is simply a clean-up of issues that were already largely irrelevant.

The clearing of regulations that are already redundant does not make a big difference. It is a good thing to do. It is not worth anyone getting excited about opposing and it is not worth anyone getting excited about pretending that here is a test of being an impressive government. This is not. This is something that is routine, not the basis for a grand hurrah around repeal day back in last autumn. Rather than take meaningful steps to increase prosperity in the economy, this government thinks that the way to deal with red tape is to get rid of the regulations that are not having an impact on anyone at all and put them in a big bonfire and ramp up the rhetoric. This is a government that is horrifically out of touch. The rhetoric around repeal day demonstrated nothing.

In government, Labor had a greater deregulatory agenda that was aimed at reducing costs for business in complying with regulation that actually did make a difference—for example, the seamless national economy—and the benefits of those reforms were significant. Those opposite should note that that is what regulatory reform is about. The COAG Reform Council reported in its final report on the seamless national economy in early February 2014 that the completion of most of the reforms had happened by the end of 2013, and that meant cost savings to Australian businesses worth billions of dollars per year. The Productivity Commission estimated that completion of just 17 of the seamless national economy reforms was estimated to lower business costs by $4 billion a year. The Productivity Commission also estimated that full implementation of the seamless national economy reforms would increase GDP by improving productivity by $6 billion per year. That is $4 billion a year in savings and $6 billion a year in productivity gains. But what did the government do in its May budget? It slashed funding for the COAG Reform Council.

There were other reforms instituted by the previous, Labor government that demonstrated our commitment to the deregulatory agenda. Better-regulation ministerial partnerships established with various ministers helped to eliminate unnecessary regulatory burdens. These partnerships were making tangible differences. For example, the partnership that resulted in the length of disclosure documents for financial products, such as superannuation, being
reduced to a few pages made it easier for consumers to get information and less costly for businesses to produce. Those opposite should take note of this: you do not have to see removing red tape and removing consumer protection as things that need to work in lock-step; you can have regulatory reform where you improve the quality of information for consumers and make compliance easier for businesses. Another partnership resulted in the assessment process for new medical devices and procedures being changed so that patients could access new health technology sooner. We instituted policy measures that are making a difference to lowering business costs and improving productivity. These are tangible measures that are having an effect on the Australian economy.

But what we have here today is legislation that repeals things that already have no impact. The only circumstance in front of the parliament today is one where issues that already do not affect businesses as of today will not affect businesses. That is the achievement of the government on repeal day! I congratulate the government on their nerve at claiming that this is a big deal. I congratulate the government on the message development that has gone into the rhetoric around this! If you want to look at the politics, it is a pretty amusing investigation of spin.

In the other place, the shadow minister for finance moved a second reading amendment that set out Labor's record in this area as a stark comparison. I do not propose to move a second reading amendment here today but I will put on the record in the Senate the following points.

The former Labor government had a strong record of deregulation reform which significantly improved the competitiveness and productivity of the Australian economy. In particular, the former Labor government repealed 16,794 acts, regulations and legislative instruments during its time in office—without a repeal day—and, through its Seamless National Economy reforms, was delivering significant cost savings to businesses. Just 17 of these reforms were estimated by the Productivity Commission to lower business costs by $4 billion per year, with the full reforms to increase Australia's productivity and deliver a $6 billion boost to GDP per year.

I reiterate that the vast majority of the changes in this bill have no impact in terms of costs or regulatory burden on businesses, individuals and the community sector in Australia. Labor believes that the parliament should support sensible deregulation which removes cost and regulatory burden but does not support the removal of protections for seniors, consumers, workers and investors under the guise of cutting red tape. The government should not use deregulation as a thinly veiled guise to distract from cuts to protections for seniors, consumers, workers and investors. This is why the Senate inquiry ensured that, at least with respect to this bill, this would not be the case, particularly with the government's record in the recent budget.

Let me go briefly to the Greens' amendments. Labor does not support the amendments to schedule 5 of the omnibus repeal bill. Schedule 5 of the bill removes regulatory duplication in environment protection. Labor believes that, where there are opportunities to streamline environment assessment processes without weakening protections, they should be taken. Removing duplications and superseded legislation makes sense. We have in this bill, clauses to amend the Sea Installations Act, much of which is now covered by the Environment Protection and Biodiversity Act and the Great Barrier Reef Marine Park Authority Act. We
also have changes to the treatment of ozone-depleting substances—changes which make sense. We also have changes to the Water Act to remove provisions for the approval of mining activity in the Murray-Darling Basin, provisions that have been used just three times since 1987.

Under the previous Labor government, the water trigger amendment to the EPBC Act was passed, providing greater oversight of coal seam gas and coalmining activities. Along with the Murray-Darling Basin Plan, the water trigger provides the protections the Murray-Darling needs. The Murray-Darling ministerial council and the authority both retain the ability to intervene on any development in the Murray-Darling Basin. If the Greens political party is serious about protecting our environment, it should focus itself, we believe, on the delegation of approval powers to the states—this is where the danger lies, not in the repeal of duplicative and superseded legislation. And it should not be offering to do deals with the government on their so-called ‘direct action’ policy, a policy we know will not work and will give taxpayers’ money to polluters for that privilege.

In conclusion, and to reiterate, Labor will be voting for the bill. What we have in front of us is a standard clean-up which is not worth getting particularly frustrated about but is also in no way worth the fanfare that was associated with the fizzer that was repeal day way back in the Autumn of this year.

Senator SESELJA (Australian Capital Territory) (10:43): It is a great pleasure to be speaking in support of the Omnibus Repeal Day (Autumn 2014) Bill 2014. It is always difficult to understand when you hear the Labor Party supporting a bill. It was unclear to me from that contribution whether they actually support it. They are voting for it, which is a good thing, but, in their heart of hearts, they do not actually support lowering red tape for small business. They do not support the principle behind this. Senator Collins suggested that this is standard form—this is just what happens. No, that is not what happened under the last government. Under the last government it was the opposite.

The great success of the previous parliament, according to the Labor Party and the Greens, was the amount of legislation that they passed. Much of that legislation, of course, increased the regulatory burden on business. That is what the Labor Party does, and Senator Collins's attempts to pretend that the Labor Party had a good record on deregulation, I think, is laughable. I have not spoken to one small business owner who believes that they are facing less regulation as a result of six years of Labor-Greens government than they were before. All of them saw their taxes increase and the regulatory burden increase, and that is what we are seeking to address through this legislation and through a range of other legislation that is designed to cut the red tape burden for business right across the country. We took a clear promise to reduce that regulatory burden to the people of Australia. We took that deregulation agenda to reduce red tape burden on the Australian economy by $1 billion per year. The Labor Party has continually disregarded the systematic costs of regulation to our economy and to our national prosperity. Under that Rudd-Gillard-Rudd government, 21,000 additional regulations were added despite Labor's promise to cap the growth and the supposed 'one in, one out' policy.

I should note that the first parliament of the Commonwealth of Australia only passed 513 pages of legislation or half a page of legislation per day. The 43rd Parliament passed half an act of parliament a day and when we compare that record we really gain an understanding of
just how overregulated we have become in some areas. The simple fact is that there is far too much overreach. We should aim to make lives easier for individuals and businesses—in fact we have an obligation to do this. As a result of our repeal day we will remove over 10,000 pieces and 50,000 pages of legislation and regulation, which will save hundreds of millions of dollars in compliance costs. We understand that some degree of regulation is desirable and essential, but we see too much unnecessary regulation right across the board and we have come to government with a clear determination to change this culture to make things easier for business in this country rather than harder.

Ultimately, by pursuing our deregulation agenda, we boost Australia’s competitiveness. We will create more jobs. We will cut household costs. Overregulation and poorly thought through regulation hurts productivity. It deters investment and innovation and costs jobs.

We know that in 2012 the Economist Intelligence Unit ranked the productivity growth of 51 countries and the result of that saw Australia coming in second last just ahead of Botswana. In 2013 Australia was placed 21st in the World Economic Forum Global Competitiveness Index. We had slipped six places in four years. We also ranked a woeful 128th out of 148 countries in terms of the ‘burden of government regulation’. Guess where we were placed. We were nestled between Romania and Angola.

Considering some of the feedback from those directly affected, let us see what they had to say. The Australian Chamber of Commerce and Industry’s 2012 National Red Tape Survey found that 44 per cent of businesses spend between one and five hours a week comply with federal, state or local government regulatory requirements. They are spending time that could be better spent with their families or building their businesses in filling out forms, applying for permits and reporting business activity. Seventy-two per cent of businesses say that the time they are spending on red tape has increased over the past two years, and 54.3 per cent say that complying with government regulations has prevented them from making changes to grow or expand their business. That is the legacy of the Rudd-Gillard-Rudd Labor years. We need to reflect on the fact that it is business which creates jobs and that by removing some of the unnecessary regulation that is complicating the ability to do business, we unshackle and allow our economy to thrive.

Jos de Bruin, the National Chief Executive of the Master Grocers Association stated that many of their members ‘feel that they are in business of compliance and do a little bit of retailing on the side. Red tape is not only a financial cost, it has a social cost taking business owners away from their families to work longer hours just to comply. The government’s efforts to cut red tape will only help our members to innovate, prosper and create jobs.’ Master Grocers Australia is an organisation which represents companies employing around 115,000 staff, contributing over $14 billion to our economy. These remarks and the results of ACCI’s survey contrast heavily with the comments in 2008 by the then small business minister, Craig Emerson, who said that Labor would ‘take a giant pair of scissors to the red tape that is strangling small business’. The fact of the matter is that this never happened. It never happened under Labor. In fact, things got worse.

Under Labor there were more than 80 examples of noncompliance and prime ministerial exemptions from the regulatory impact assessment process. Some of these exemptions were for some of Labor’s most significant legislative changes—things like the carbon tax, the mining tax, FoFA and changes to the Fair Work Act. To add insult to injury, the independent
Borthwick-Milliner review commissioned by Labor, which reported last year, found there was 'a widespread lack of acceptance for and commitment to' the regulatory impact assessment process 'by ministers and agencies'. How could act in the best interests of Australia if they completely ignored detailed regulatory impact scrutiny by granting exemptions at every return? It is telling that, in the five years from mid-2007, Australia's multifactor productivity declined by nearly three per cent.

As I noted earlier, the coalition took to the election an acknowledgement of the need to reduce the regulatory burden on Australians. Our commitment is such that regulation should only be imposed where absolutely necessary and should not be the default position in dealing with public policy issues. We will ensure that our cabinet submissions proposing legislative changes with a significant regulatory impact will be subject to the regulatory impact assessment process.

I note that ministers have already established designated units within their departments and ministerial advisory committees to advise on deregulation priorities and cutting regulation. I am pleased that deregulation will be a standing item on the COAG agenda to enable federal, state and territory governments to cut duplication and overregulation. We are committed to a new approach, one which asks some fundamental questions prior to the passing of new regulations. We need to ask about the purpose, the cost and the impact on productivity. Only after we have satisfied those questions and only when it is absolutely necessary, with no sensible alternatives available, should government proceed to regulate.

I note the remarks of David Byers, the CEO of the Australian Petroleum Production and Exploration Association: 'The government has made a great start in cutting red tape to help make Australia a more attractive investment destination. There are billions of dollars of investment and thousands of jobs to be won in the petroleum sector. The government's deregulation initiatives are a vital step forward to capturing these opportunities.'

We are making progress on our deregulation agenda. The bill before this place today speaks volumes for what we are trying to do. The bill implements a range of measures across 10 portfolios in order to amend 14 acts to streamline regulatory requirements to reduce the regulatory burden. For instance, we are dealing with overlapping building certification requirements for the aged-care sector, getting rid of the duplication that currently exists. Additionally, this bill makes technical corrections and reference updates, it repeals 43 spent and redundant acts and it amends around 27 acts to repeal spent and redundant provisions. For instance, why do we still have regulations surrounding the phasing-out of the Advanced Mobile Phone System, or AMPS? That is completely outdated technology and the phase-out was completed in 2000. There is no practical likelihood that any mobile carrier in Australia would operate one of these networks.

We are proud of our annual $1 billion target for cutting red and green tape and our commitment to set aside two parliamentary sitting days per year to repeal unnecessary and costly legislation. Far from being standard over the past few years, as was suggested by Senator Collins, this is a very different approach to what we have seen by those opposite and what we saw in the six years—

Senator Bilyk: Certainly a lot more razzamatazz!

Senator SESELJA: of the Rudd—
The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order!

Senator SESELJA: Gillard-Rudd government. I hear the interjections. What we saw was a commitment to more and more regulation. That was the commitment of the previous government. They trumpeted it. When they were asked about how successful they were as a government and how well the parliament was working, what was the first thing they would say? They would say, 'We've passed hundreds of pieces of legislation; look how successful we are.' I say to the Labor Party that that is not what success looks like. Success is about a government making it easier for business to prosper, making it easier for Australians to make a living, making it easier for small business to employ more people. That is what success looks like for a government. If that involves getting rid of some pieces of legislation and getting rid of some regulation, then that is what success is about—and that is what we should be doing.

We have also heard from the Business Council of Australia. Its chief executive, Jennifer Westacott, said:
The release today of the federal government’s repeal day legislation marks a turning point in dealing with the high costs and inefficiencies faced by businesses and consumers in our economy.
The BCA has reported that an environmental approval process for one of its member companies cost the company more than $20 million, required more than 4,000 meetings and led to a 12,000-page report. But it did not end there! The approval that the member company was given had 1,500 conditions and around 8,000 subconditions. This is the extent of regulation in this country.

Universities Australia has estimated that our universities spend around $280 million a year just on compliance and reporting requirements. Each university operates a compliance department which typically has between 15 and 20 dedicated staff. They report:
A typical university is also required to report over 50 different data sets to the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education (DIICCSRTE) annually, comprising 200 reporting instances per year, and over 50 data sets to other Government departments.
We should be aiming to remove duplication between differing levels of government and across government agencies. We should be aiming to streamline onerous and costly processes and we should be taking a common-sense approach to regulation.

In conclusion, I do commend this bill. It is, in the words of Jennifer Westacott, 'a turning point'—because we have not seen this over the past few years. What we have seen has been, in fact, the opposite. We have seen the Rudd-Gillard-Rudd government taking decisions that piled burden upon burden on our business sector—and particularly our small business sector. The coalition understands that, when you do that, it has serious implications for our economy, for individuals and for businesses—family businesses, small businesses, medium businesses and large businesses. It has implications for their ability to employ people. It has implications for their ability to remain profitable. It has implications for their ability to innovate. We want to see all of these things happen. We want to see an innovation economy. We want to see more employment. We want to see small, family businesses, in particular, able to thrive and not be crushed by the burden of overregulation—the time burden and the cost burden that goes with all of that.
There are many aspects to our deregulation agenda and this bill is a very important part of it—and we are going to build on this start. Twice a year we are going to dedicate days to repealing legislation that puts too much burden on our business sector. Surely that is something that those opposite should be applauding. Surely they should be hanging their heads in shame at the way they overregulated these very businesses—the way they put more and more burdens on these family businesses. They should be hanging their heads in shame. They should not just be supporting this piece of legislation; they should be supporting other aspects of our deregulation agenda—all of which are designed to give us a more prosperous economy, to give us a more prosperous society and to give individuals, families and businesses the ability to choose, without too much government interference, how they make a living. I commend this legislation to the Senate.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (10:59): I will start by saying that even the name of this bill is one of the silliest that has ever entered this place, the Omnibus Repeal Day (Autumn 2014) Bill—come on, really. The Omnibus Repeal Day stunt was lame and pathetic back in March; it is lame and pathetic now. Apparently, the government wish to do this every six months, so we will be doing the same lame and pathetic charade into the future as well—two days every year, said Senator Seselja. For those who remember back to March when this bill entered the House, the coalition tried and failed to create widespread public jubilation at the introduction of this bill—a bit of razzamatazz, a bit of rah, rah, a bit of build it up. They called it the Omnibus Repeal Day—a title their team of spin doctors must have spent months agonising over. It was going to cut 'mountains of red tape'; Senator Seselja talked about all the red tape that it was going to cut. It is not really surprising that there were no street festivals celebrating Omnibus Repeal Day, because the importance that those opposite attached to this bill is utterly absurd.

On the Labor side of the chamber, we have absolutely no problem removing legislation when it is no longer appropriate, when it is out of date or when there are better legislative arrangements that have the same effect. That is part of the normal function of this place and of the other place. Over the nearly six years in office, we repealed 16,794 spent and redundant acts, regulations and legislative instruments from the statute books, but never once did we try to have a special day to celebrate it. Not once did we go so low as to put the name of our stunt day into the title of a bill before this place. Maybe that is why the government have not repeated this trick because it was such an abject failure politically.

The government could have had other special days and titled the bills appropriately—maybe they could have even had some honest ones. Budget day could have been 'Target the least well off in our society day'. They could have had 'Removing effective action on climate change day'—that would have been a good one. They could even have gone as far as having 'Removing any department or agency that gives expert advice we do not agree with day'—I think that would have got a few. That is what this government have tried to do time and time again to stifle public debate in this country.

If the government was serious about reform, they would not have tied a piece of legislation of this nature to such a pathetic stunt as repeal day. They would not have padded this bill out to 98 pages to make themselves look serious. Parts of this bill are completely ridiculous. We have 33 instances of replacing ‘faximile transmission’ with ‘fax’. We have 47 instances of replacing ‘e-mail’ with ‘email’. We have 50 instances of grammatical and spelling errors—
missing commas, forgotten capital letters, the occasional missing hyphen and the rest of that type of thing. Apparently, we are amending one act to remove an accidental second comma that follows the first comma that is actually needed. I am all for correct grammar but, really, this is the sort of farce that a great deal of this bill is about. It is a far, far cry from the 'biggest bonfire of regulations in our history', as the Prime Minister described it.

If the government want to waste the time of this place and the other place to make these changes, that is their right, but they should not overclaim and overreach that they have some big compliance cost savings. Do not come into this place and tell the Australian people, who cannot afford to buy a house or see a doctor, who do not have enough money to spend on food and rent or are unable to find work because the government have not kept their promise on job creation that repealing ancient and long-forgotten legislation is the best way to improve the lives of everyday Australians. It is not and the government should realise that it is no longer in opposition and take responsibility, grow up and not engage in such stunts as this bill.

This Abbott government have the responsibility of addressing the needs of Australians. Do they care at all about the needs of the Australian people? Looking at this bill, it is clear that they do not care. If they cared about the Australian people, they would take seriously the job of governing, without attributing undue importance to farcical bills like the ones we are debating today.

Can someone in the government, anyone, please tell me how schedule 2 part 4 of this bill, 'Amendments relating to the Advanced Mobile Phone System', is going to change the life of Australian people by changing 'Telecommunications Act 1997' to omit the words: 'The Advanced Mobile Phone System is to be phased out by 1 January 2000'? How is that going to help one Australian man, woman or child? For those who are not familiar with the Telecommunications Act 1997, or different mobile phone technologies, schedule 2 part 4 of the bill we are debating today removes a reference to the phasing out of the old analog mobile phone system that was indeed phased out by 1 January 2000 anyway—nice work getting rid of red tape, those opposite!—removing references to abolishing an obsolete network that has not been in existence for over a decade. Why are you wasting the time of this place? Did you seriously come into government with such little vision that you have to fill time in this place getting rid of provisions referencing the abolition of things that have already been abolished?

Let us see what this bill does in the Finance portfolio. The 12 acts in the Finance portfolio referred to in this bill are old appropriation acts from 2010-11 and 2011-12. These financial years have already occurred and Commonwealth government agencies have already been provided with the appropriations, as stated in those acts. So, once again, removing them off the statute books really has no tangible effect on the everyday lives of Australians, no effect whatsoever.

In the Industry portfolio, we see the repeal of two acts that ceased to have effect by the end of 2011 and the inclusion of the word 'former' in three locations in two acts—hardly something that would lift the regulatory burden off people. But this is the Abbott government's great vision. Is this what those opposite fought so hard for to get into government, to repeal acts that have not had any effect for years? If the government want to be taken seriously, they need to treat this place seriously.

In the Employment portfolio, the government want to repeal an act that administered an agency that was abolished nearly 20 years ago. Aren’t those opposite embarrassed by this bill?
Surely, the government should have been working on cutting actual red tape for business if that was their desire, and that is certainly what Senator Seselja seems to think is happening. Removing hyphens in the word 'e-mail', changing 'facsimile' to 'fax' and adding a few capital letters to flesh out a bill is a disgusting waste of parliament's time and of public servants' time. Surely the resources that went through all these bills to find such minor changes could have been set on achieving real productivity growth and real decreases in regulation, where appropriate, rather than this stunt.

The government wants to change the Medicare system so that people are charged $7 each time they have to see their bulk-billing doctor; yet they are wasting their time on commas, hyphens and capital letters. The government wants to leave unemployed people under 30 who are not studying with no money for food, rent, electricity or any of the costs associated with getting a job; yet the government is wasting its time on commas, hyphens and capital letters. Is the government prepared to tell the Australian people how many hours of departmental staff time, how many dollars, this stunt has actually cost?

It gets even more absurd. When the government introduced the Omnibus Repeal Day (Autumn 2014) Bill 2014 to the House, they also introduced two other bills to be debated with it. These were the Amending Acts 1901 to 1969 Repeal Bill 2014 and the Statute Law Revision Bill (No. 1) 2014. At least these bills have slightly more serious titles. The Amending Acts 1901 to 1969 Repeal Bill 2014 was used as a filler to make the number of acts the government was cutting seem higher. It passed this place earlier this year. The acts that were repealed by this bill were so ancient that nobody, absolutely nobody, was affected by them. They were expired, they were superseded, they were redundant. The Distillation Act 1918, the Spirits Act 1918, the Naval Defence Act 1918, the Defence Act (No. 2) 1918, the Lighthouses Act 1919, the Northern Territory Acceptance Act 1919 and the War Service Homes Act 1919 are some of the acts that were deleted by the Amending Acts 1901 to 1969 Repeal Bill 2014 and the Statute Law Revision Bill (No. 1) 2014. Can anyone opposite tell me how much money small businesses would have saved as a result of the repeal of those acts? For example, the repeal of the Northern Territory Acceptance Act 1919—how much money has actually been saved by small business? Are those opposite not embarrassed that their bonfire of red tape was a fizzer, an absolute fizzer filled with nothing but legislation like the Dried Fruits Export Charges Act 1927, which altered the Dried Fruits Export Charges Act 1924 so that:

The Governor-General may, from time to time, by order published in the Gazette, after report to the Minister by the Dried Fruits Control Board constituted under the Dried Fruits Export Control Act 1924, exempt dried currants, dried sultanas or dried lexias from the charges imposed by this Act.

I ask you!

Of course, if they had gone back to the original Dried Fruits Export Charges Act 1924, they would have found it was already repealed by act No. 49 of 1991, making the whole exercise a complete waste of time, a completely moot point. I ask again: is this really your bonfire of regulation? Is abolishing acts that have themselves been superseded for decades the best you can do? Do those opposite really treat this place and the other place as such a joke? What a disgrace! Do they really think that no-one will read the bills that they bring into this place? The Omnibus Repeal Day was a stunt, and this bill was a stunt, albeit a fizzer.
Labor had a greater deregulatory agenda that was aimed at reducing costs of business in complying with unnecessary and inconsistent regulation—the Seamless National Economy. In its final report on the Seamless National Economy in early February 2014, the COAG Reform Council said that by the end of 2013 completion of most of the reforms had meant cost savings to Australian businesses worth billions of dollars per year. The Productivity Commission estimated that completion of just 17 of the Seamless National Economy reforms had lowered business costs by $4 billion per year. The Productivity Commission also estimated the full implementation of the Seamless National Economy reforms would increase GDP by $6 billion per year by improving productivity. These are real reforms. These are reforms that have made things easier for businesses around the country. It was Labor that instituted policy measures that are making a difference to lowering business costs and improving productivity.

That is what a genuine, serious government does. It does not introduce joke bills like the one the government has brought to this place today or like the Amending Acts 1901 to 1969 Repeal Bill 2014 passed by this place earlier this year. I must admit: I have never seen a government like this one. It is as if they have completely and utterly disconnected from reality. Black is white and white is black if you are on that side of the chamber. Getting rid of superseded acts that affect no-one is cutting red tape! The government can save money by abolishing agencies that make a profit on abating carbon emissions! To better inform public debate, government agencies are prevented from releasing assessments on projects! If the government disagrees with the science, then the science is wrong. If they have to cut funding to science rather than change their point of view, so be it.

It is as if they have twisted the truth for so long that they just do not know what is real. It is utterly Orwellian. They fought so long and so hard to get into government that they did not think about they wanted to do when they got there or how they were going to do it. Did they really fight that hard so that they could repeal the Dried Fruits Export Charges Act 1927? Did they fight so hard to get into government so they could introduce a paid parental leave scheme to give millionaires $50,000—a scheme that most government senators do not agree with and have not supported for four years? Do those opposite have any idea of why they are here? I will give them a little reminder. They are here to serve the Australian people, to protect the most vulnerable in our society and to ensure that all Australians, no matter what their background is, have the opportunity to succeed and prosper for the benefit of all—which is why the other reforms they wish to make to cut red tape are so cruel and so twisted.

Their desired abolition of the Australian Charities and Not-for-profits Commission is a cruel change which shows their own twisted priority. Unfortunately, too many Australians are scammed each year by unscrupulous opportunists who want to take advantage of the generosity of the Australian people. As the former chair of the Joint Select Committee on Cyber-Safety, I was told many stories of people being scammed, including by people pretending to be from existent or non-existent charities.

Those opposite want to remove the body that regulates the charity sector, one that is comprehensively supported by the sector, actually reduces red tape and protects the public from fraudulent and scamming behaviour. Did you really fight that hard to get into government so that you could help people get scammed by bogus charities or to callously strip away basic consumer protections under the government's proposed changes to the future
of financial advice laws, which will put at risk the investment savings of millions of Australians? Is that really what you fought so hard for—to help Australian retirees and retirement savers be conned out of millions of dollars by dodgy financial advisers, to introduce reforms that not only financial planners but also the industry superannuation sector, much of the business press, pensioner groups, consumer groups and high-profile commentators like Alan Kohler oppose? It is as though the Abbott government is acting in the interests of a handful of large financial service providers rather than in the interests of the Australian people. I wonder why that would be—she says with some sarcasm. How have your priorities become so twisted that you want to protect the people who racially vilify others, rather than to protect the rights of people to live without being racially vilified; to allow the rich and powerful who own newspapers and radio stations to attack anyone they want to with the huge resources that have? How is that a way to build a better society?

Senator Brandis says that people have the right to be bigots. I say people have the right not to be abused, discriminated against or vilified. For those opposite, removing red tape simply means helping their mates exploit others at the expense of ordinary, everyday Australians. It means removing protections against hate speech, against exploitative employers or against dishonest financial advisers, at the expense of ordinary, everyday Australians. Let me reiterate.

The Labor Party believes that redundant acts, regulations and legislative instruments should be removed from the statute books. We did it while in government time and time again. But to do it as this government did through a stunt like the omnibus repeal day is a childish act which is below what the Australian people expect from their government.

The government needs to start taking seriously the act of governing. It needs to treat this place and the Australian people with respect. It needs to actively work to improve the lives of Australians, rather than moving redundant commas and clauses to show off what a good job it is doing in removing red tape.

Senator CANAVAN (Queensland) (11:18): At the outset, I want to mention that I am feeling a bit stiff this morning. On Saturday, I played rugby for the first time for about five years. I am feeling very much worse for wear. There is not much to report from the game except that the refereeing standard on Saturday was much better than on Friday night, unfortunately. As a Queensland senator, I just wanted to put that on record. I also want to say that we are here to talk about regulation. Regulations are a bit like refereeing—you cannot live with them and you cannot live without them. Unfortunately, the referee's decision can be very frustrating. Sometimes regulations are very frustrating, too, but we do need them. We need regulations in our economy. We need regulations for a variety of things. It is very important that we take stock from time to time to make sure the regulations we have are fit for purpose and are not redundant because all regulations come at some cost to small businesses.

Unlike Senator Bilyk, I am not going to question the motives, ethics or objectives of the other side. I am not going to call them childish or say that we want to take things away from not-for-profits. Apparently all of us on this side of the chamber are evil. We come in here every week just to see what we can do wrong to the Australian people. I do not think the other side are like that, not at all. I think they come in here with fine objectives. I think the crossbenchers come into this place with fine objectives. We all come here to try to do the best for our nation but I think those on the other side sometimes fall short of those objectives. It is
not a question of their motives; it is a question of their competence. That is why we have had to do things like introduce the Omnibus Repeal Day (Autumn 2014) Bill 2014.

There is an old saying: if you take care of the pennies, the pounds will take care of themselves. The previous speaker has forgotten the merits of such a saying. Yes, some of these changes are small and minor, but if in your business, your family or your personal life you do the small things right, the bigger results will take care of themselves. Correcting a comma might be a small thing to Senator Bilyk, but it is about getting it right. If we get the small things right, the sum of those parts will make for a better result. To refer back to the disastrous game on Friday night when the Cowboys were very much dudged by refereeing decisions, they have to take some responsibility themselves because they did not get the small things right in the game, particularly in the first half. They missed some crucial tackles and they lost the game as a result. It is the same with this bill. We need to take care of the small things, even if we do not think they are important because they make a big difference and small changes over time can add up to a lot.

Someone I used to work with at the Productivity Commission came up with a statistic which I think is quite indicative of the problem we have here. Back in 1936, the parliament enacted a bill called the Income Tax Assessment Act, which is still with us today. Back in 1936, it took 120 pages to administer income tax in this country. Today it is just over 6,000 pages—it has come back a bit. When this statistic was done, it was just over 7,000 pages. It had increased to 7,000 pages in 80 years. If that growth rate were repeated over the next 80 years, if we continued to grow the tax act at that rate, by the end of this century the tax act would amount to 830 billion pages.

Senator Ludlam: Billion?

Senator CANAVAN: Yes, billion, Senator Ludlam. It will take three million years to read and it will weigh the equivalent of 20 aircraft carriers—I am reliably informed by Mr Ralph Lattimore of the Productivity Commission. That is the power of compound growth of course. Fortunately, I do not think we are going to end up with a tax act by the end of the century of $830 billion pages, partly because, over the last decade, we have realised as a nation that we have been regulating too much, that red tape has gone up too significantly and there has to be a response. As I said earlier, in the case of the Income Tax Assessment Act, that has started to come back in terms of page length.

We have also had in the last decade or so the commissioning of a red tape reduction task force by the former Howard government. It is now known as the Bank's report, chaired by the former chair of the Productivity Commission, Gary Banks. It was really the start of the process which said: Look. We've done all those other reforms in the economy. We reduced tariffs. We deregulated financial markets. We have floated the dollar, but there was another big agenda there and that was getting rid of some of the regulation which had accumulated over time.

That report found that there could be $7 billion of savings, if we tackled these issues. By no means have we done everything that that report recommended, but we have made a start by including it in the national reform agenda in the last couple of years of the Howard government and then, as a previous senator said, the last government came to power with great plans to deregulate. They created a deregulation portfolio. They moved the Office of Best Practice Regulation from the Productivity Commission to the Department of Finance—I
am not sure if that was such a smart move—and they came up with a seamless national economy agenda with 27 regulatory hot spots and nine areas of competition reform that they wanted to focus on.

They did do some things—some of that agenda did come through and some of it was worthwhile. For example, they removed some overlapping regulation on wine labelling in the last government. I remember the former chairman of the Productivity Commission giving credit to them on that. He gave a speech in late 2009 where he said:

… while there is now a commendable focus on advancing reforms to some 27 regulatory ‘hot spots’ that add to the costs of doing business across jurisdictions …

but

… no reforms (other than wine labelling!) have yet been implemented. Less than half are on track for completion within the original timeframes.

Senator Bilyk referred to the COAG Reform Council's report and, finally, they were a little bit tardy in meeting those time frames, as the former chair of the Productivity Commission said in that comment; however, they got around to completing 20 out of 27 of the hot spot areas but they left seven off. Some of those seven were very, very important. They were worse on the competition reform areas—less than half of those were dealt with, according to the COAG Reform Council, so there was a lot of unfinished business left by the former government.

One of the seven that was left off was the changes to the EPBC Act, which we debated in the last sitting period which now I see, after the Labor Party identified that area as a regulatory hot spot as long ago as 2008—six years ago they identified that area as something that needed a change: more bilateral agreements, less overlap between jurisdictions—they are now opposing those changes. That is to great regret, because it was one of the areas identified by the Productivity Commission, by the Business Council of Australia, that needs significant reform and reduction in red tape. At the moment, those changes are held up by those members on the other side, by Senator Bilyk, who spoke earlier; they are being held up by their opposition.

In the former government there was a process by which you could remove yourself or get around the requirements to do a regulatory impact statement before a regulation came in. The former government had 80 breaches of that standard. They did not prepare a RIS properly or fully 80 times, and that included some very important changes, including the carbon tax, the financial advice reforms—that you would know well, Mr Acting Deputy President Dastyari—and that led to come problems, because we had to change those things. When we came to government, they were not done.

Because we have that unfinished business, we have had to take some action coming into government to try to keep that going. I know the senator said, 'This is a stunt. Why are we putting aside a day or two days a year?' I say: 'Sometimes in business and life, you've got to set yourself goals and you've got to set aside specific time frames to meet those goals.' We all agree across this chamber that we need to reduce red tape and we need to reduce regulation. The best way to do that is to try and set aside some time to actually do it. That is what I find in my life: if I want to lose weight—and I need to lose a few more kilos—I need to set aside some time to do exercise. If I want to improve the relationship I have with my kids, which I certainly do as well, I need to set aside some time to spend with the family. Likewise, as a good administration does, we want to reduce red tape so we are setting aside some time to
reduce red tape. We are doing two days a year and we will start those reductions with this bill that we are here to talk about today—it is one of those bills, among many, that we have introduced.

When you talk about regulation, there are two main things you want to try and focus on. When you think about red tape, we often focus on the stock of red tape. We want to reduce that. When I spoke about the Income Tax Assessment Act, that is an example of the stock of regulation. That does need to be reduced, certainly, and this bill tries to do that in a number of ways, which I will talk about in a second.

The other thing we must be always mindful of is to reduce the flow of bad regulation. The 80 breaches of the regulatory impact guidelines of the former government is an example of not taking account of that flow of bad regulation. We also introduced some reforms recently in the first year of this government to tackle the flow of regulation, not just the stock.

Coming back to the stock, the omnibus repeal bill that we are debating today is an example of dealing with that stock. It removes a number of things which will benefit people across our economy and in business. For example, it will remove building certification requirements in the aged-care sector that duplicate requirements at the state level, so we will get rid of that overlapping regulatory burden. That will save about $3.42 billion in annual compliance costs. These are the kinds of commas and rounding areas apparently that the senator said we are doing here today, but the $3.24 million saving is a pretty good saving in my book.

We are also making changes to the Ozone Protection and Synthetic Greenhouse Gas Management Act 1989 to reduce the burden on low-volume importers. That will save about $420,000 in compliance costs—not as much, but still I would not sneeze at $420,000, even if the Labor Party would. We are also making changes to the telecommunications sector, which I think has been mentioned by previous speakers.

So there are changes here that will make a difference. Overall, this omnibus repeal bill will streamline 14 acts, repeal 43 acts and amend 27 acts. So it is a start; it is only a start but it is a good start. There are other changes we have made in this first year which have made a difference. I think the previous speaker, Senator Bilyk, said that there are not many people jumping up in the streets and lauding us for our changes. But that is the wont of most governments; most governments do not get a pat on the back.

But I have spoken to people in the agriculture sector that are very happy that we have changed the egregious and very destructive legislation regarding the agricultural and veterinary chemicals sector. That was a terrible bill, introduced by the former Labor government at the insistence of the Greens. It was only done, I believe, because they were in partnership with the Greens. It was going to force all agricultural chemical companies to go through a new regulation process every seven years. So, even if a chemical had not had any bad effects or any reports of health or safety issues, it would have to go through another set of regulatory hurdles every seven years.

To underline how stupid that was: it was going to be a more onerous regulatory regime on our agricultural chemical sector than the regime for pharmaceutical drugs and medicines. They can obviously be much more harmful to our community, but they do not have to go through hoops every seven years. But the former Greens-Labor government decided that that needed to happen to our agricultural sector, and our farmers paid the cost. Fortunately—in the
last sitting period or the one before that—we removed those changes. I applaud the Labor Party for actually supporting that removal. It showed quickly how stupid that was, because the Labor Party, in less than a year, changed their mind on that bill.

Other changes are very important too. I have already mentioned the EPBC Act changes which we are pushing through which are going to unlock billions of dollars' worth of projects and approvals. There are also changes to personal property securities legislation, which is an arcane piece of legislation. If you lease equipment or have some kind of hire-purchase arrangement with it, you need to make sure that goes on a register—in the case that someone is facing foreclosure by banks. At the moment you have to do that within 90 days. We are going to extend that out to a year.

That is actually quite important. I just spoke to a grazier in North Queensland a few weeks ago who was falling foul of that legislation because he had not registered some cattle that were on agistment. The banks turned up and subsequently sold the cattle. But they were not owned by the owner of the property; he just had them on agistment. This change we are introducing would have saved him. So there is another change which benefits people out there, Senator Bilyk. There are some positive things we are doing here in this legislation.

As I mentioned earlier, you have to deal with the flow of regulatory changes to make sure red tape does not accumulate over time. We are doing things to tackle that. We are going to make sure that cabinet submissions now have regulatory impact statements attached to them, and the deregulation function of government is being moved into the Department of the Prime Minister and Cabinet, to make sure that process works. All ministers have established deregulation units within their departments—tasked with the deregulation focus. And, very importantly, we are linking remuneration to senior executives in the Public Service to meeting their deregulation targets. In my view, in my experience, from my time at the Productivity Commission, this is an important change, because the accumulation of bad regulation is largely the result of bad incentives in the Public Service. It is not a consequence of bad intentions. There are not people in the Public Service who want to punish business—at least, not in my experience—they want to do a good job, but the incentives are not really there at the moment within that framework.

One of the worst incentives in government is that—for a government and for the Public Service—regulation can seem costless. Often there are two ways to tackle a policy problem: you can introduce a regulation or you can spend some money. If you take the latter course, if you spend money, then you have to make a budget submission for that money and it requires a huge amount of bureaucratic effort to get that money assigned to you. But, if you come up with a regulation, all the costs are not on the Public Service or the government; they are then borne largely by the private sector or the not-for-profit sector. Those incentives ask you—and there does need to be a very specific focus on making sure that, when regulations are made, they are fit for purpose and are designed with the external costs, if you like—the costs that are being imposed on the business sector—that those are taken into consideration.

Despite all this good work that I think we are doing, there is no doubt that there is more to be done. I was listening closely to Senator Bilyk's contribution and hoping that she would come up with some ideas, because she did say she wants to deregulate and the Labor Party want to deregulate. But I did not hear any ideas of actual bills that should be deregulated or
changes. I just heard complaints, I heard our motives being impugned, and I heard us being called 'pathetic'—and 'childish' I think was another one.

But I do have something positive to contribute in my own small way. I think that a few more things need to be done. We have not had a proper stocktake of all of our regulations since the national competition policy process finished in 2005. That process went through 2,000 regulations, and a recommendation of the Productivity Commission after that process in their NCP review in 2005 recommended that we should do another stocktake, a priority stocktake, of some very important areas. I believe that has not properly been done. It should be done. We should focus on that and take up that recommendation of the Productivity Commission.

I also think that, going forward, with making these changes—and they are good changes; they are changes I support—but they may not work as well as we intend, and we must recognise that. And we must recognise that there is some scrutiny of what is happening after we make these changes. I think we would benefit from some more independent advice on those changes; whether it is regular Productivity Commission reports—or some other organisation or some other review—that needs to be kept in mind, in my view.

Ultimately, this is a very important change because, as other speakers have alluded to, we have had declining productivity performance over the past decade. And it has not just been declining here in Australia; it is also declining relative to other countries in the world. We must realise that while many of those reforms from previous decades like opening up the economy and like deregulating financial markets have reduced costs for our country and enabled us to be more competitive. The over-burdensome regulations in this country have been something we have not quite tackled as well. When you open up an economy to the rest of the world, like we have done in the last 20 or 30 years, the costs of those regulations become even more keenly felt because those businesses now are not just competing against someone down the road; they are competing with someone over the oceans. Those countries might not always have the same regulatory restrictions. We need to always keep in mind that we as a government do not make people's lives out there harder than they need to be and that we do not put unnecessary barriers in the way of people who want to make a buck and employ people.

Senator LINES (Western Australia) (11:38): I rise today to speak in support of the Omnibus Repeal Day (Autumn 2014) Bill 2014. If we are going to support this bill then the Australian public really does need to understand fully just what the government is doing here with the bill we are presented with today.

During the election campaign the then opposition made great fanfare of its commitment to reducing what it alleged were masses of red and green tape. All we heard in the lead up to the election was that was what they were going to do. Indeed, in the first few months of the Abbott government, most MPs', senators' and ministers' speeches were peppered with the need to reduce red and green tape. It was almost as if there was no getting away from it whether it was a Senate inquiry or, indeed, in this place here. All of the speeches were about this massive need to repeal red and green tape. We did hear those words over and over.

Whether or not there really is an abundance of so-called red and green tape to be repealed remains to be seen. But really, shouldn't the government be bit more creative? Shouldn't it be committing to improving the lives of Australians through bold and brave initiatives? Shouldn't
our national government be able to paint a vision for Australian voters where everyone feels valued, where everyone feels they are respected and acknowledged for the contribution they make, no matter how big or how small that contribution is? And shouldn't those who need a helping hand either from the government, from their employer or from agencies in the community have an expectation that this helping hand will be there?

That is not the vision of this national government. Instead we have a government that focuses its attentions on red and green tape, stating quite believably that there will be some great economic benefit once this unnecessary layer of bureaucracy is removed. I say to Australian voters, do not hold your breath. It is a government of broken promises, and I am yet to see any detail about how this removal of this mass of red and green tape will really impact the lives of Australian business and, indeed, individuals in our community generally.

What now? I have to say, the references to red and green tape has kind of tapered off. For the past couple of months, the government has been almost silent on its red and green tape agenda. It certainly has not been mentioned in this place. Indeed, at Senate inquiries when we have seen change for change's sake, which in the past has been attributed to red and green tape, that reference by departments and government ministers is missing. Why is that? It is because this bill really does not do anything. In terms of timeliness, the government has well and truly dragged its feet on this repeal. So I guess, if it does have some impact that I am missing, that I cannot see and if it does have an impact on improving regulatory burden for business and for individuals and for the community—as the explanatory memorandum tells us that it does—they have been waiting a very long time to see that impact.

Fancy making an election commitment to repeal redundant and spent acts. Seriously, is that the best they could do when in opposition? Does it not just spell out that the Abbott government has no new ideas, no vision and that it spends its time and the time of this parliament on bills which deliver very little? Further, for the government to create such fanfare around repeal demonstrates its complete lack of vision. In fact, this government has spent its first year in government repealing bills. Unfortunately most of the other bills it has repealed have had a real impact, a negative impact, on the lives of ordinary Australians.

We saw yesterday right across the country thousands and thousands—and in Melbourne 30,000 ordinary Australians—of individuals and community organisations come out and let the government know in no uncertain terms that they want action on climate change. Where is the government today? We are here talking about repealing redundant acts and other pieces of legislation. It has repealed Labor's carbon initiatives and it did it proudly, but we can see by the demonstrations in our streets across the country in capital cities and in small towns that that was not well received by Australian voters.

Careful scrutiny of the last repeal bill shows us that these are not all redundant pieces of legislation and acts. In a broad sweep in its last cleaning up of red and green tape, the government did actually impact the lives of ordinary Australians in a very negative way. The savings, if there are any, will be miserly amounts and those savings will be to the government itself, certainly not to businesses.

In their last sweep through, the government reduced the take-home pay of cleaners—cleaners working in this building; cleaners cleaning their offices and other offices and other buildings owned by the Commonwealth. The Abbott government repealed the cleaning services guidelines. Those guidelines guaranteed that cleaners' wages would not change on
contract change. The government can dress it up however they like, but that is what they did. When the minister had the opportunity to not go ahead with the change, he went ahead with it anyway—and he did so sneakily. So every time a cleaning contract in a Commonwealth owned building changes, cleaners' wages are up for negotiation. That is the truth. That is a fact. These contracts change every couple of years. So a cleaner who might have worked in Parliament House or in another Commonwealth owned building for five, 10, 15 or 20 years will have seen many, many different employers over the course of their working every day in that Commonwealth owned building.

My experience as a former union official who negotiated with those contractors is that, unfortunately, the contracts usually go to the cheapest bid. One of the sure ways of reducing costs is to reduce the wages bill. Contractors do that in a number of ways. They increase the workload of cleaners—and the cleaning guidelines created some certainty around that, so that cleaners' workloads would not be unreasonably increased—and, if the cleaners are earning above award rates of pay, they reduce the pay to the award level. For cleaners, that is a difference of $2 or $3 an hour. If the government took the time to investigate—or, indeed, if the government cared—they would soon discover this fact for themselves.

When Labor were in government, we put in place a system where wages could not be negotiated down at contract change and we put in place a fair system that guaranteed cleaners certainty around their hourly rate of pay. That in turn gave certainty to employers, to contracting companies, around their tenders and it meant that they had to actually compete on issues of quality and how they would do the job—for example, what sort of supervision they would put in. They were not able to run their contracts by reducing cleaners' wages or increasing the workload. That was actually a win-win for cleaners and their bosses.

But, of course, this government did not see this or did not want to see it and claim that there is some cost saving for contractors—but there is not. Those contractors who want to do the right thing by their cleaners and pay a higher rate of pay will be penalised for doing so. They will be priced out of the market. They will not be able to compete with those contractors who are paying the award rate. That is what the last repeal did. It created hardship for individuals—in this case, cleaners—and the government, who had an opportunity not to repeal those guidelines, simply went ahead in the full knowledge that cleaners' take-home wages would be reduced. They went ahead with that knowledge and did it anyway—and that was a shameful thing to do.

It is not as if when Labor were in office we did not clean up redundant acts and reduce regulatory burden; of course we did. But we did not inflate the importance of these repeals with the fanfare we have seen from this government. We did not do that. The only thing the government stopped short of was calling a national holiday to celebrate their repeal day—so big was the hype around these repeals. We had a lead-up, we had a countdown and we had some kind of massive celebration here on the day that the first omnibus repeal bills were introduced. I, along with other Labor senators in this place, would like to know how much time and how much money was spent on this kind of absolutely unnecessary hype.

But I return to the current bill—a great fuss about nothing. What the government is really doing is spruiking up it election commitment. It is a lot of ideology masking as legislation. It is another way to give itself a tick on meeting its election commitments. That is what the government is doing here. That is what is going on with this repeal bill.
Meanwhile, Australians are still waiting for housing policy. They are still waiting to know what is happening on the homelessness front. Just this morning our office here in Canberra had a call from a woman who is homeless. Along with her teenage daughter, they have experienced homelessness on and off over the past few years—because it is such a tight situation when trying to find decent accommodation. That is the reality for this woman who called us this morning. Unfortunately and sadly, this woman and her teenage daughter, who are currently in New South Wales, will continue to wait, because the Abbott government not only is focused on irrelevant pieces of legislation such as this bill but also still has no housing policy, after 12 months in office. Further, the government has reduced the amount of funding available to make housing affordability realistic. There is no money for capital investment.

So, despite the claim that this bill will assist individuals, it will do nothing for the woman who called us this morning expressing her frustration at not being able to be housed anywhere. How disgraceful! I am sure that those in the Abbott government will start to say, as they do with education, ‘Oh, it’s not our responsibility; it is up to the states.’ And after 12 months without one skerrick of policy on housing affordability or homelessness, that is obviously what the government wants to say to the states in this area—’It’s not our responsibility; we don’t build the houses for those who are not able to afford a roof over their heads for themselves.’

What are we doing here today? We are repealing legislation which has no impact. Labor senators have made the point and we will continue to make the point because it is really important that Australian voters appreciate what the government thinks should be debated in this place. We need it on the public record: what is at stake here is absolutely nothing—old, redundant legislation. Why are we doing it? We are doing it for the sake of spin, so that the Prime Minister of the country can get up at his next important address and say, ‘We have reduced red and green tape in this country,’ but there will be no detail about what sort of money will come back to government in doing that. I would like to know what the impact on business will be. I am still waiting to hear about that. I heard a government speaker talk about floating the dollar and somehow went on to reducing red and green tape. Let me assure the voting public: floating the Australian dollar, which was a Labor initiative, has nothing to do with reducing red and green tape. I am not quite sure how that ended up in the same sentence, but it does show how desperate the government is to try and make this seem something more than it is, by trying to link those two thoughts.

So, it is old, redundant legislation. We are doing it for the sake of spin. Why? Because the government is in serious trouble with its budget. It is a budget that the community says has failed. What an interesting last week. I still cannot quite believe that it is true. Did the Prime Minister seriously give his ministers As and A-pluses for performance? For what? For producing a budget that affects almost every person in the community in a negative way, except the big end of town, because we know they are the government’s mates. Thousands and thousands of Australians in our capital cities and regional centres took to the streets yesterday to let the government know, well and truly and loudly, that they do not like what the government has done on carbon, and somehow we have ministers getting As and A-pluses. Australian voters are not fooled, because they have given the government a fail on every aspect of its budget. That is why the government is intent on talking about a repeal bill—repealing stuff from the 1920s. So, let’s not talk about your harsh and cruel budget; let’s
not talk about the effect on pensioners, on school kids, on Australian families, and the no savings to be had from electricity companies. Luckily the government could not control them. I got a letter the other day that told me I am saving something like $48 a year, and yet I was promised $550.

We are here today talking about the omnibus legislation because the government does not want to talk about its harsh and cruel budget—a budget which creates hardship for almost everyone in the community, and yet what does the government focus on? Repealing old legislation. Why does it do that? Because it does not know what else to do. Instead of putting its hand on its heart and saying, 'We got it wrong. We're an inexperienced government. Give us a fair go. We've only been around for a year. We don't quite get it. We went too far with the budget. Let's look at how we might fix it.' No. Instead, we are focusing on repealing stuff which has no effect on anything. It is a government without a vision; it is a government without a forward thought; and it is a government that knows its budget has failed, which is why it wants to focus on red and green tape.

One of the other points I heard this morning from a government senator was about how the government has linked the performance pay of its senior public servants to reducing red and green tape. At the same time, the government refuses to negotiate with public servants around their enterprise bargaining agreement—the government which likes to just poke sticks at the Community and Public Sector Union and somehow blame them, saying that they are being irresponsible. A four-per-cent-a-year wage claim is a reasonable claim and yet the government wants to put zero on the table. Again, making that link and ignoring negotiation needs—not negotiating with the union around pay and conditions—show that the government is completely out of touch.

Labor will obviously reform areas that need reforming, but we will not do it with fanfare and we will not do it to the detriment of other really important issues, such as the government's inability to talk about its budget.

Senator WATERS (Queensland) (11:57): I rise to speak on the Omnibus Repeal Day (Autumn 2014) Bill 2014. Buried in a mass of evidently redundant legislation that the government has seen fit to make a big song and dance about repealing are a handful of important weakenings of environmental protection. That is a great cause of concern for us. They centre around protection for water in the Murray-Darling Basin, around protection for marine areas and around protection from ozone depleting substances. I do not know whether it was deliberate that these were buried amongst a mass of errant commas and unnecessary hyphens, which the government thinks important to deal with, but these issues are important. They are protections for the environment and they stop big business from doing whatever it is that they want to do to the environment to simply turn a profit.

The first section that is proposed for repeal is section 255AA of the Water Act, which says:

Prior to licences being granted for subsidence mining operations on floodplains that have underlying groundwater systems forming part of the Murray-Darling system inflows, an independent expert study must be undertaken to determine the impacts of the proposed mining operations on the connectivity of groundwater systems, surface water and groundwater flows and water quality.

That sounds pretty good to me. That says: if you are going to mine in the Murray-Darling and you might stuff up the groundwater, you should probably do an independent study first that works out just how much damage you are going to do. That is an eminently sensible provision...
that is on our law books for good reason and, as one of the previous speakers mentioned, it has been used.

The previous speakers’ contention was that this is duplicative of our other new regulations. But it is not. Clearly this section covers subsidence mining in the Murray-Darling. What the government and, sadly, also the opposition are contending is that somehow we do not need this anymore because we have already got protection from large coalmines and coal seam gas in relation to their water impacts. Well, we do have that protection, if you can call it that, because when it comes to coal and coal seam gas everything always gets approved by the environment minister no matter which side is in charge. But those provisions in the EPBC Act only relate to large coalmines and coal seam gas. The provisions in the Water Act relate to subsidence mining. We do all sorts of mining in the Murray-Darling. Clearly there is coalmining and coal seam gas mining. But there is also mining for copper, gold, silver, lead and zinc. Those are the mines that are captured by this provision in the Water Act. So it is not duplication. This is protection for our groundwater systems in the Murray-Darling which this government, with absolutely no objection from the opposition, is proposing to remove from our law books. I think that is an absolute tragedy and it once again demonstrates the influence the big mining companies have on this government and, sadly, also on the opposition.

This section has a very interesting history. Back when it was introduced in 2008, the then member for New England in the other place, Tony Windsor, proposed an amendment to strengthen that section. That amendment was that, if substantial risk was identified in that independent study that was mandated to be done, an exploration licence must not be granted. Again, that second part was perfectly sensible. It said that, if you have done your study and you have found that you are going to stuff up the groundwater, you will not be allowed to do that and you will not have a water exploration licence granted to you. That is very sensible. And we moved a similar amendment here in this place under the former Leader of the Greens, Senator Bob Brown.

One day we were debating that amendment and we had folk like Senator John Williams and former Senator Barnaby Joyce speaking in favour of the amendment. They said they would give the government the numbers so that this amendment would succeed. Senator Williams said: 'We need to have a proper independent inquiry into underground aquifers in these areas. It is vital that the truth be brought out about these prime agricultural areas. It is vital that this study be undertaken. Hence, I offer my support for this amendment.' So the National Party were prepared to say: 'Yes, let's give this section some teeth and let's make sure that when you do this independent study, if it shows that the subsidence mining is going to affect groundwater in the Murray-Darling, you will simply not be allowed to proceed.' Unfortunately, the following day, when that amendment came on for a vote, the Nationals did not support it. So the day before the vote they were crowing that they would support it, but on the day of the vote they did not support it.

Rumour—and Hansard—has it that the Australian Minerals Council frequented the building on the night of those amendments. So one wonders what pressure was placed on the then Nationals senators to ditch their protection for groundwater in favour of doing the bidding of the mining industry. Today, it seems the Minerals Council and their ilk are coming back for the rest of this little section which is a bit of a thorn in their side. They do not want to
have to do groundwater studies. They would rather ignore the impact that the industry has and just be allowed to reap profits unhindered by regulation.

I have talked about how, clearly, this is not duplication, as some of the previous speakers have contended. It is a great shame that the Abbott government wants to take away this section and ignore communities who want better protection for their groundwater, particularly in the Murray-Darling Basin. We have seen huge opposition to, in particular, coal seam gas and coal mining. There is now some regulatory oversight of those areas with the water trigger, but it only applies to large coalmines. So we have small coalmines that are not covered and we have copper, gold silver and other mines in the Murray-Darling that will now also not be covered. So, again, we have got open slather for the convenience of the big mining companies. It seems we are getting pretty used to that situation here in this place.

The other two sections that this oddly titled bill seeks to repeal relate to ozone relating substances. Senator Canavan was saying they are just trying to make it easier for small business because they are proposing to exempt small importers from the regime entirely. Indeed, they are exempting small importers from the fee and levy regime for ozone depleting substances. But they are also changing the rule about 'the heel', the 10 per cent that is left over in a gas canister once the container is used up. In other jurisdictions—the USA for one—there is a certification process in place to make sure that that left over ozone depleting substance—that pretty serious stuff—is not just emitted somewhere else. Once this section is removed, there is nothing on our law books that would cover that left over ozone depleting substance. To cut a long story short, we are weakening the protection for our atmosphere from ozone depleting substances by allowing these left over ozone depleting substances to go unaccounted for and by removing small importers from the fee regime entirely.

'Sea installations' is the third tranche of environmentally damaging repeals that are proposed by this bill—things such as pontoons, artificial islands, fish aggregating devices and even offshore hotels. There is currently a permit system which requires installers to have a permit to build those sorts of things in the marine environment. This bill proposes to repeal that. They are also proposing to change the objects of the Sea Installations Act to omit the need for installations to be consistent with the protection of the environment. So, again, this means that they are leaving the environmental impacts of sea installations to a different regime, the EPBC Act, which we know only covers actions which are going to have a significant impact on a matter of national environmental significance. So any of those impacts—which may still be great but do not pass that very high bar of 'significant impact'—will now be unregulated. So there is no way you can say that this is not just a reduction of environmental protection for marine areas.

So on that basis the Greens will be moving amendments to block the repeal of those three important environmental provisions. We would like to keep those provisions and see them remain on our law books. However, it is no surprise that we have this government's approach of trying to gut what limited environmental protections that we already have on our law books. Get in line! The Abbott government has been very busy in the last 12 months, repealing as many environmental protections as it can possibly think of. We have got rid of the ministries for science and climate change and we have got rid of the carbon price itself. Instead of fixing the flaws in the mining tax, we have repealed that as well because, apparently, we are in a plutocracy here and not a representative democracy.
The environmental defenders offices, which help people use the law to protect the environment, have been defunded for the first time in their entire existence, again, leaving the community without access to legal advice to implement the laws of this nation. The Climate Commission was of course abolished. The government are still trying to get rid of the Clean Energy Finance Corporation and they have succeeded in defunding the Renewable Energy Agency. They have also abolished the Water Commission and I am sure Senator Rhiannon, who will also be making a contribution on this bill, will have some more remarks on that. Mr Abbott thinks we have too much forest locked up in national parks. Their attempt to delist the Tasmanian World Heritage forests brought us great international shame and, thank heavens, that did not succeed.

The government are now turning their sights on marine protection and are trying to reduce the excellent work by reviewing those science-based management plans and are, again, creating uncertainty for environmental protection and for the rights of people who are fishing sustainably.

The government have, unfortunately, ticked off on every single big coalmine and coal seam gas proposal that has ever passed their desk, which makes an absolute farce of our already weak laws. The government have approved the world's biggest coal port, the Abbot Point coal terminal expansion, in this day and age in no other place than the Great Barrier Reef. It is just sheer madness. They have cut the Reef Rescue funding, which was a great program, working with farmers to try to modernise their farming practices and reduce run-off into the reef, which is clearly a big problem for water quality. The federal government, sadly, took $40 million out of that successful program.

So, as I say, get in line! The list of environmental assaults by the government just keeps on growing. Of course, the biggest concern that we have with the government's agenda of attacking the environment at every turn is their plan to wash their hands of their responsibilities under our federal laws and leave it all up to state governments.

If this plan for a so-called one-stop shop, which will sell out the environment, goes ahead it will be the biggest backward step this nation would have ever taken in environmental protection in 30 years. I was invited by one of the previous Labor speakers to focus on that issue. So thank you. We indeed have been, ever since the then Labor government proposed this awful idea. I am very pleased that the Labor Party have now decided that indeed it is an awful idea and now no longer support that concept.

However, I just want to take the previous speaker, the member for Lines, to task in that we have been focusing on this for the better part of two years, with amendments, private members’ bills and motions. So, thank you, for the recognition that this is indeed a terrible proposal that the Abbott government has now adopted. I can assure you that we will be doing everything we can to try to keep that protection for our nationally significant environmental icons where it belongs: in the hands of the federal government. We need that oversight. We have international obligations to protect these amazing areas and these iconic, unique species.

You simply cannot leave that job to state governments. It is not their job to act in the national interest. They will never act in the national interest. They will act in their state's interests and that is fine; they are state governments. That is why they should not be charged with protecting the national environment. We have already seen throughout history that if we did not have these federal protections we would have had oil rigs in the Great Barrier Reef.
The Franklin River would have been dammed. There would have been cows in the Alpine National Park. The Mary River, in Queensland, would have been dammed. We have seen instances where those federal laws have been able to protect areas and species that the world holds dear, contrary to the wishes of state governments of the day. So, please, let us not junk those important protections in some misguided attempt to make it easier for business to get their approvals.

There are two things about that. Clearly, the plan to try to fit a round peg into a square hole by squeezing the federal rules into state laws will actually make it more complicated. Any business that is trying to operate across state borders will now be met by different regimes. So, far from making it easier, it will in fact make it more complicated.

We await the return of the bill, which seeks to allow the accreditation of state regimes to do the federal government's job for it even without the protection of those federal standards being enshrined in state laws. What the government are seeking to do is truly horrific. They are washing their hands of environmental responsibilities that took 30 years to build, when then Prime Minister Bob Hawke took to the High Court the plan to dam the Franklin and established that yes, when there is an international convention, such as the World Heritage convention in that instance, then the federal government does have the right and indeed it has the responsibility to act to protect those environmental assets. That is now all under threat with this hasty plan to ditch the ability of the federal environment minister to actually do their job in protecting the environment. And to put cowboys, such as Campbell Newman, the Premier of Queensland, in charge and in sole control of the Great Barrier Reef just fills me with fear. This is the same guy, who, when asked about international concern for the Great Barrier Reef replied with the comment, 'Queensland is in the coal business.' I am afraid that Queensland is also in the tourism business, with 69,000 people—

Senator O'Sullivan: Mr Acting Deputy President, I rise on a point of order. The standing orders are clear in reference to members of other parliaments. I would have to say that referring to the Premier of Queensland as 'a cowboy' is a demeaning statement and I ask that the senator withdraw.

Senator Moore: Acting Deputy President Dastyari, I draw reference to the considerable history in this place of dynamic debate across this chamber, where numerous comments have been made about a various number of people. I do not believe that the reference in any way impugns the reputation of the Premier; in fact, the Premier may actually enjoy that kind of discussion about his name. I would think that the comment of 'cowboy' is not in any way impugning the reputation of the Premier of Queensland.

The ACTING DEPUTY PRESIDENT (Senator Dastyari): There is no point of order, but I do remind the senator of the standing orders and that she is sailing quite close to the wind.

Senator Waters: Premier Campbell Newman has a great defender in Senator O'Sullivan—an interesting choice there. It is better left unsaid. I will not withdraw that comment.

As I said, unfortunately, it is not just the federal government with this program of repealing and reducing as many environmental laws as they can but also the government of Queensland. We are up to 19 environmental laws that have now been either watered down or repealed. In
fact, it is pretty easy to lose count. We have lost our wild river protections; the vegetation management laws, which protect the beautiful biodiversity; and of course the carbon stores and the uniqueness of many of our ecosystems in Queensland—they have been watered down almost beyond recognition.

Perhaps the most insulting recent change happened just a week or so ago. The Queensland government have now removed the ability of Queenslanders to object in the Land Court to large mines, except if you are a neighbour or a local council that has its infrastructure impacted. I am just incredulous. This is a silencing of the community at a rate we have not seen since the Joh days. The thought of putting folk like that in complete control of icons that are not just nationally environmentally significant but are globally environmentally significant would be laughable if it were not so serious. This is exactly why, when you have proposals such as today’s to just quietly and sneakily repeal protection for groundwater in the Murray-Darling Basin, to not worry so much about ozone depleting substances, and to allow sea installations to be built without reference to environmental issues, you just have to hold the line and say, ‘Enough is enough.’ That is why in the committee stage we will be moving amendments to keep those three positive environmental protections on our law books and why we will continue to rail against the tendency towards a plutocracy that we see from this government in giving the big mining companies absolutely everything that they want. It seems that they are simply running the show. I just remind senators in this place that actually we are elected here to represent people; we are not elected here to just further the vested interests of big corporates, who are, with their activities, threatening the sustainability of our environment for future generations. Thank you.

Senator RHIANNON (New South Wales) (12:17): I endorse the comments of my colleague, Senator Waters, our spokesperson on environment and mining matters. She set out a very clear case when we come to this Omnibus Repeal Day (Autumn 2014) Bill 2014 that there are some aspects that definitely should not be repealed. If the repeal goes ahead it gives a considerable leg-up to the mining industry, a mining industry that already gets great benefits, irrespective of which party is in power at a federal or state level. The mining industry regularly benefits and they certainly would here if section 255AA of the Water Act were repealed.

Senator Waters read the section out. It is an important section that sets out very clearly why we need to be protecting all aspects of the water in the Murray-Darling. That protection was obviously put in there for a clear reason: our forebears had the wisdom that there needed to be some checks and balances on this industry. They set it out very clearly that, prior to licences being granted for subsidence mining operations, certain studies had to be undertaken. This is a section that we should not lose. I repeat that: it was put in there for good reason. Those who were looking to balancing the needs of the Murray-Darling with regard to the pressures of farming, irrigation and mining saw that there was a need for this study. That is why we certainly should not lose it.

What is being proposed—the justification is, ‘We’ve actually got something new that will undertake the work’—is a weakening of what is there presently. We should be improving on what we have got, not weakening it. If this repeal were to go ahead what we would end up with is the independent expert scientific committee. That would only look at coal and coal-seam gas. This is one of the aspects that highlights what a big step backwards it would be.
Mining is expanding across the Murray-Darling Basin. It is expanding across Australia in so many areas. We need these thorough studies to be undertaken in terms of subsidence and the impact that would have.

One example of that is very serious within New South Wales is a giant gold mine, the Cadia gold mine, near Orange. This is Australia's largest underground goldmine. It is the fourth-largest goldmine in the world. The amount of water it would use on a daily basis runs into millions and millions of tonnes. I have had the opportunity to talk to the farmers in that area on a number of occasions. One occasion was just after Senator Christine Milne had been elected as the parliamentary leader of the Australian Greens. She went on a tour around the country, listening to folk and their concerns. That was one of the first places we went to. We met a lot of farmers with very productive orchards—a whole range of produce comes out of that area—and some fantastic sheep farms. It was very interesting to hear about it. But from the many visits I have had there a concern that comes up time and time again is about the future of the water resources in this area because of the expansion of this goldmine—something that Labor and the coalition have ticked off time and time again.

I will just run through a few of the issues that arise with this mine, because it highlights why we need to keep the present section. It should not be repealed, because any mining involving subsidence needs to be thoroughly investigated. There has already been a groundwater study for this mine that predicted a permanent drop in the water table north-east of the mine if an expansion goes ahead—because Cadia has expanded enormously—and that study was undertaken early on. It was also found that the subsidence zone could break up the aquifer, and that concerned a lot of surrounding farmers—some of them with thousands of hazelnut trees as well as some very important breeding ewes, which are some of the very rich aspects of this area. All this was to be impacted on.

Another big concern that comes up is the value of the property. People would say to me, 'Who's going to buy our property when they don't know if those water resources are protected or if they will be there?' because when similar mines have been undertaken people have reported a drop in the levels of the bores they access their water from. Water supplies are under threat when this type of mining goes ahead, so surely we need to retain this section so that the impact of subsidence on groundwater can be thoroughly studied.

One thing that came up for us about the value of the property is that some of the farmers reported that they were finding, from talking to their neighbours, that it was expected that there would be a fall in the value of their properties by a third, with some of them just not being able to sell. This puts people under enormous stress, wondering about their future—about how they will go as they get older and whether they will be able to sell and move up and enjoy their retirement after years of working so hard on their farm.

This Cadia mine is owned by a company called Newcrest. This brings us to some of the interesting developments in New South Wales politics that have not been fully answered with regard to some of the ICAC inquiries, and also to how some of the former ministers have operated.

One of the ministers who has now resigned because of how some of these ICAC issues have played out is Chris Hartcher. He was the mining minister and had some very interesting connections with this Newcrest mine. He actually took the extraordinary step of introducing legislation which effectively ended a court case. He acted to introduce that legislation and
push it through—as is sometimes done in these parliaments; when governments have the numbers they will sometimes push laws through very quickly. The law that Minister Hartcher was pushing through was in favour of Newcrest, which, as I have said, runs Australia's largest goldmine, and was in a dispute with Gold and Copper Resources. The legislation was the Mining Amendment (Development Consent) Bill 2013. Its introduction effectively ended a court case. That case was a commercial dispute—which periodically you get between mining companies, and between all sorts of companies. So why did Mr Hartcher intervene in such a decisive way? Even before we had heard everything play out in ICAC, it already seemed quite questionable for a minister to take such action.

What the bill did was to amend the provisions of the Mining Act 1992 relating to the need for development consent before a mining lease is guaranteed. This issue came out—and on the one hand, as I say, it was a commercial dispute, but it was a commercial dispute with some interest, with fraud allegations being revealed, with departmental documents disclosed in legal battles between Gold and Copper Resources and Newcrest, and with accusations of departmental officers swapping the front page of a renewable application lodged by Newcrest for an exploration licence next door to its Cadia East goldmine. These things happen in the business world. But when you put on it the overlay of ICAC, and the overlay of how Mr Hartcher is now quite discredited, it certainly is another chapter in the story of this very murky world.

What is also interesting in terms of the time line here is that, on the day that ICAC released its report into the administration of mining in New South Wales, the then mining minister, who was Mr Hartcher, moved to push his bill through the New South Wales parliament with no consultation—it was just rushed through; nobody was expecting it. So, again, there are so many unanswered questions.

Some of you may think, 'What's this got to do with the issue that we have raised about section 255AA of the Water Act?' We are saying that it should not be repealed—that the protection for our water resources needs to be improved, not watered down. There is a link here, because we need to be strengthening our regulations here—strengthening our laws to cover this issue, not allowing a run-down in the planning laws and other relevant laws, which, as we have seen in New South Wales, does lead to some very undesirable practices and possibly, at some times, corrupt practices. So there is a need to retain this section of the act. It is just calling for the reports to be undertaken, so it is really quite minimal already. It should not be weakened.

Another aspect—and my colleague Senator Waters went through this—is that mining of many minerals is occurring now. I have mentioned copper; I have mentioned gold. There are others as well. But what is also in the pipeline—possibly in Queensland and possibly in New South Wales—is uranium mining. Again, we need to have these laws strengthened. The impact that any sort of mining can have on our groundwater, our surface water and the interaction between those water resources can be very serious. We need to weigh up, of mining, whether it should go ahead and under what conditions it should go ahead. But if this were repealed that would be weakening the minimal protection that our water resources have. So there is a very clear case why section 255AA of the Water Act needs to be retained.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (12:29): I thank
senators for their contributions, especially Senators Seselja and Canavan. We did hear some rhetoric from those opposite, but regulation of itself does not mean protection; it is the quality of the regulation that counts. Also, duplication does not mean extra protection; it means waste and destruction, and it brings institutions into disrepute. In relation to Senator Rhiannon's contribution about governance, forcing things through the parliament, I remind her of the very sullied record of the Australian Greens and being in lock-step with the Australian Labor Party, and on one occasion forcing over 40 pieces of legislation through this place without a single word of debate allowed to be spoken on them. I will not be lectured or hectored by Senator Rhiannon when she personally voted to achieve that outcome with the previous government. So, please, let us have none of this hysterical nonsense that we get from the Greens now that they find that they are no longer in control of the chamber.

We are debating the coalition government's commitment to getting rid of red tape. On 26 March this year, the government held its first ever red tape repeal day, removing—and this is a very interesting statistic—over 10,000 pieces and 50,000 pages of legislation and regulation, which it is estimated will save over $700 million in compliance costs. The repeal day is an important part of the government's deregulation agenda and will cut $1,000 million in red and green tape each year. The government will designate two parliamentary sitting days as repeal days each year. This will result in more efficient government and more productive business and not-for-profit sectors. Ultimately, this will boost Australia's competitiveness, helping to create more jobs. As Minister for Employment, I am very excited by that prospect, especially given that we as a nation face an unemployment rate with a six in front of it. Not only will cutting red tape boost our competitiveness and help create more jobs; it will also reduce the cost of living.

Bad regulation and too much regulation hurt productivity, deter investment and innovation and in turn cost jobs. That is the bottom line and that is the motivation for this government to get rid of red and green tape. We want to ensure that we are more competitive, which in turn will increase our nation's wealth. That will then allow us to have the money to pay for the welfare, hospitals, roads and infrastructure that people want and, of course, that in turn will create jobs.

In the five years from mid-2007, Australia's multifactor productivity declined by nearly three per cent. In 2012, the Economist Intelligence Unit ranked the productivity growth of 51 countries. Australia came in second last behind Botswana. That is the reality, yet those opposite have the view that everything is okay and nothing needs to change. When you come in second last just above Botswana in the productivity growth of 51 countries, you realise the difficulties that we as a nation face and that is why there is this importance on enhancing our productivity. It is not only the Economist Intelligence Unit that has reported; in 2013, Australia ranked 21st in the World Economic Forum Global Competitiveness Index, slipping six places in four years. We were ranked 128 out of 148 countries for burden of government regulation, sandwiched between Romania and Angola. We believe as a government that Australia can do better, she needs to do better and will do better, despite the obstruction from those opposite.

The Productivity Commission has estimated that regulation compliance costs could amount to as much as four per cent of Australia's gross domestic product. The Australian Chamber of Commerce and Industry 2012 National Red Tape Survey found that 44 per cent of businesses
spend between one and five hours a week complying with government regulatory requirements—that is, federal, state or local—filling out forms, applying for permits and reporting business activity; 72 per cent of businesses said the time they are spending on red tape has increased in the last two years; and 54 per cent said that complying with government regulations has prevented them making changes to grow or expand their business. If it is preventing businesses from growing and expanding, it is preventing them from putting on more workers and creating jobs. The Australian Institute of Company Directors' most recent 2013 Director Sentiment Index found that 60 per cent of those surveyed believe that the amount of red tape and the time spent complying with regulations has increased over the last 12 months.

It is interesting to hear those opposite not wanting to come on board with us in cutting red and green tape. They actually know that it needs to be done; they just do not have the will or the capacity to do so. Let us not forget what was the Labor manifesto in 2007. In 2007, the then Leader of the Opposition, Mr Rudd, promised one regulation in, one regulation out. In 2008, the then Minister for Small Business, Craig Emerson, said that Labor would: …take a giant pair of scissors to the red tape that is strangling small business.

They had all the rhetoric right and they had all the arguments right, but let us have a look at what they actually did.

In little more than 5½ years, Labor introduced more than 975 new or amending pieces of legislation and over 21,000 additional regulations. Their promise was great, but their delivery was completely in the opposite direction. Under Labor, there were more than 80 examples of non-compliant and prime ministerial exemptions from the regulatory impact assessment process. Once again, then, what does Labor do? They sign up to the regulatory impact statement process but then exempt themselves from implementing it. What sort of legislation did they exempt themselves from assessing the impact of? There was the carbon tax that they promised we would never have. There was the mining tax which has been so destructive of our resources sector, the debacle of the National Broadband Network, FoFA and changes to the Fair Work Act. These measures all escaped detailed regulatory impact scrutiny following exemptions provided by Prime Ministers Rudd and Gillard. The Borthwick-Milliner review, which was, as it happens, commissioned by Labor, reported last year and found 'a widespread lack of acceptance of and commitment by ministers and agencies' to the regulatory impact assessment process.

What is the coalition's approach? The coalition is committed to a new approach where questions must be asked first before new regulations are passed. We simply ask the questions, 'What is the purpose of the regulation, what is the cost of the regulation and what is the impact on productivity?' Only after these questions are answered and only when it is absolutely necessary, with no sensible alternatives available, should government proceed to regulate. The simple fact is that removing these huge amounts of legislation—10,000 pieces and 50,000 pages—and saving $700 million in compliance costs will go a long way towards ensuring that we move up a little bit from coming second to Botswana at the very bottom of the league tables. It might actually allow us to get out from between Romania and Angola when it comes to burden of government regulation.

This is all about freeing up our economy so that jobs can be created for the 6.1 per cent who are currently unemployed. These are people who do not have the satisfaction of being
able to go to work, of being able to look back on a day's work and of being self-reliant, and who do not obtain all the benefits of being in work: the physical and mental health benefits, the self-esteem and the social interaction—all the positives that come from employment. So often we talk about the dignity of work. That is right. But what those opposite fail to talk about is the indignity of nonwork. We as a government are absolutely committed to getting rid of obstacles that stand in the way of job creation. That is why we have got rid of the carbon tax, that is why we have got rid of the mining tax and that is why we want to get rid of all the red and green tape encompassed in this bill, which I commend to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bills—by leave—taken as a whole.

Senator WATERS (Queensland) (12:42): by leave—I move the amendments circulated in my name on sheet No. 7548 together:

(1) Clause 2, page 2 (table item 2, column headed "Provision(s)"), omit "5", substitute "4".

(2) Schedule 5, page 54 (line 1) to page 67 (line 4), to be opposed.

We move these amendments for all of the reasons that my colleague Senator Rhiannon and I have articulated. What is being proposed is to remove protections for groundwater from subsidence mining in the Murray-Darling Basin. This is very serious matter and these are mining operations that are not covered by other laws that regulate the water impacts from large coalmining and coal seam gas projects, including in the Murray-Darling Basin. What the government is proposing to do, by repealing the protections for water from subsidence mining, is to allow companies to proceed with mining of gold, silver, copper—a whole host of mines that can have subsidence impacts—without doing the independent study on groundwater that existing section 255AA of the Water Act requires them to do.

We have already discussed how originally we had sought in this place to strengthen that section even further—to say that, if those groundwater impacts were identified in such an independent study, the mining exploration licence should not be granted. Unfortunately, we received very little support in this place for operationalising that groundwater protection. Nonetheless, existing section 255AA does remain on our law books and we think that it should stay there. We have already talked about the adverse changes to the ozone-depleting substances regime that will weaken protection for the atmosphere from ozone-depleting substances and also about the effect of removing the environmental provisions in the Sea Installation Act which cover protections against hotels, artificial reefs, pontoons and the like.

It is clear that we need these environmental protections to remain on our law books. We do not oppose any other part of the bill but the amendments I have moved simply retain those three environmental protections in our laws. The minister claimed that the Water Act protections are redundant because they are duplicative of EPBC Act protections under the water trigger. I have articulated how they in fact cover different operations. Since we are in committee, can the minister articulate how it is the government can still contend that there is duplication when they are clearly covering different mining operations?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (12:45): As I
understand the situation, the Water Act currently requires an independent study to be undertaken. Since 2008, there have been only three studies conducted and those three studies were projects that were also required to be assessed under the national environmental law the Environment Protection and Biodiversity Conservation act 1999. The introduction of the water trigger and establishment of the independent scientific committee on coal-seam gas has made that particular section of the Water Act redundant and the Water Act provisions provide no additional environmental protection. What they do provide yet again is that duplicative situation where there is no need for it. I simply confirm that the government is not about reducing standards; it is about removing a redundant regulation and cleaning up the statute books while protecting our environment. That is what our amendments seek to achieve that is why I commended the bill to the Senate.

Senator WATERS (Queensland) (12:47): The provisions are clearly not redundant when they capture gold mining, silver mining, lead mining and zinc mining in the Murray-Darling basement; whereas the water trigger you refer to only applies to large coal mines and coal-seam gas. Again I seek a coherent explanation of how there is any possible duplication when it is completely different mining that is being addressed by the Water Act as opposed to the water trigger?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (12:47): My advice is that this removal will ensure that the standard to be applied will be the EPBC Act. At the moment we have two pieces of legislation covering the same situation, on my advice, and the EPBC Act regime seems somewhat more transparent than that under the Water Act. Since 2008, in the last six years or so, under the Water Act it has been used once every two years in circumstances where it also required an assessment under the EPBC Act. It is these things which cost developers to get mines ready for production, which makes exploration and the opening of mines in Australia regrettably more expensive without any genuine extra environmental protection. When the developers look around the world they do not only have to look at Australia; there are opportunities right around the world for these developments. If we impose extra green tape, extra burdens, which, when you step back and ask how this protects the environment and then find it does not really, in those circumstances we say let us get rid of one layer and have the consistency of the EPBC Act applying across the board. That is what we are recommending to the Senate.

Senator WATERS (Queensland) (12:49): To belabour the point, I am afraid the government is going to find it a little difficult to justify their positioning here when it is perfectly clear that we have only had the water trigger on the law books for about 18 months, yet these Water Act provisions have been used three times in the last six years. Clearly without them there would not have been those independent water studies. Yes, we now have the water trigger, but it only applies to large coal mines and coal-seam gas. Is the minister suggesting that the water trigger should be expanded so that it includes the mining activities that the Water Act section you are seeking to repeal currently covers? I would welcome that. Can the minister clarify: will you now expand the water trigger so that it can cover gold mining, silver mining, lead mining, zinc mining and any other subsidence mining currently protected under the Water Act and required to have had an independent study done into its ground water impacts?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (12:51): There is nothing further I would seek to add to the debate. The positions are clear. We understand where the Greens come from on these matters but I think the explanation I have given to the senator stands. I can understand the Greens, from their position, would not find any change acceptable to them. I accept that. That is the way they approach these matters but, with great respect, we believe there is the appropriate protection here in relation to the provisions of the EPBC Act which cover a multitude of possibilities and eventualities.

Senator WATERS (Queensland) (12:51): So it is appropriate protection to not examine independently the impacts of gold, silver, lead and zinc mining on ground water? That is appropriate protection for the groundwater systems of our most important Murray-Darling Basin system? At least you have belled the cat, Minister. At least it is perfectly clear that you are now seeking to remove protection for our precious groundwater in the Murray-Darling from subsidence impacts from gold, silver, lead to and zinc mining. You have clarified that you think it is an appropriate level of protection to simply have the water trigger on our books. It is interesting how, if you find it so appropriate, you are actually wanting to get rid of that water trigger and give it away to state governments to administer. You say the standards will not drop but you have legislation before this place that says those same standards do not need to be codified in those same state laws that will now perform the function of what used to be your job.

The rhetoric is just disintegrating before our very eyes. Not only with this proposed repeal are you reducing protection for groundwater in the Murray-Darling from subsidence mining where it is not coal seam gas or large coalmines, but you are also trying to trumpet the water trigger which you are trying to get rid of your responsibility for and give to state governments.

Again, I find it very confusing that you are maintaining that there is some kind of duplication here when, clearly, it is different industries that are being covered and when your government is doing all it can to get rid of its responsibilities to protect water under federal laws. I seek a decent explanation as to how you can still contend that this is duplication.

Senator IAN MACDONALD (Queensland) (12:53): I also want to question the minister in relation to this same aspect. Before I do that, can I just congratulate the government on the bill before us that reduces again red tape in accordance with the commitment that the coalition made prior to the election. Already there has been one series of abolition of red and green tape, which has been particularly beneficial to Australia and will save industry a lot of money. Of course it is not just saving industry; it actually creates wealth and jobs for Australians.

One of the crises that is fast confronting the nation is the unemployment issue and we have to, as a parliament, do everything possible to encourage investment because that encourages new jobs into Australia. If you took any notice of the Greens political party—and, fortuitously, not many people do—we would have very, very high unemployment in this country, because the Greens are intent on stopping any productive activity in Australia. We have seen that in the forests. We have seen it in the fishing industry. We have seen it in many other industries, and the Greens bear a big responsibility for the high unemployment that we have in Australia and which has, regrettably, continued.
The Environment Protection and Biodiversity Conservation Act is a very, very strong piece of legislation. It gives the government power to look at and control anything that impacts on the environment. Senator Waters has been mentioning—I know she said the Barrier Reef but she is certainly talking about the Murray-Darling Basin system. The EPBC Act gives the government very, very strong powers to do most of the things that need to be done to protect our environment. As Senator Abetz has previously indicated, the EPBC Act provides adequate protection to those provisions of the Water Act that are being repealed by this omnibus bill.

I might say the Environment Protection and Biodiversity Conservation Act is perhaps the strongest piece of environment legislation ever introduced into this parliament and was again introduced by a Liberal minister for the environment. I have often said in this chamber: every significant piece of environmental legislation that has actually done something to protect the very special and unique natural assets that we have in this country, has been introduced by Liberal governments over the years.

You will never, ever get the Greens political party acknowledging that, because they have an undying, philosophical hatred against anyone in this chamber who is not from the Labor Party or the Greens. I would love to hear the Greens get up and say, 'What a great job Senator Robert Hill did in introducing that legislation. What a great job Harold Holt did when he introduced the first environment minister into the federal parliament. What a great job Malcolm Fraser did when he moved to protect the Great Barrier Reef and Fraser Island'. But you will never hear the Greens acknowledging any of that, because it just does not suit their political rhetoric.

Again, every time the Greens speak, unfortunately, there is a denigration of the Great Barrier Reef, Australia's greatest natural asset—a natural asset that has been well managed and well protected by successive governments over a long period of time and an asset that significantly contributes to employment in this country in the tourism industry and otherwise.

The Great Barrier Reef—the lagoon, not the reef—is a ship's transport and it brings bauxite from Weipa around to Gladstone where thousands of our fellow Australians are employed in an industry, which, if the Greens had their way, would be in China, creating jobs for the Chinese rather than for Australians.

I want to use those preliminary remarks to, again ask: is there anything these provisions could possibly do that the Environment Protection and Biodiversity Conservation Act would not be able to do under one of the various provisions of that very stringent and strong piece of environmental legislation introduced by a former Liberal government?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (12:59): I think Senator Macdonald has hit the nub of it. The Environment Protection and Biodiversity Conservation Act ensures that there are those protections. That is why the EPBC Act has overwhelmingly been seen as the general and right approach. As a result, it has superseded a lot of the other specific provisions in particular pieces of legislation that were either done at the time for a particular reason or simply for political reasons later on when there was no actual need for it. Will standards be maintained? Absolutely. Will costs be reduced? Absolutely. Will that enhance job creation in Australia? Absolutely. That is our motivation: job creation without prejudicing environmental standards.
In relation to the matter that Senator Waters raised, can I indicate—I forget the language she used—'passing responsibility for certain matters to state governments' is something that should occur in a cooperative federalist country like Australia. We are a federal system, and what we have had regrettably—and I think both sides of politics have been responsible for this—is one or the other trying to legislate and then gazumping each other. As a result, every developer—every development—has to go through a two-stage process, where you get state approvals and federal approvals.

We said at the last election—and we went to the election on this—that we believe one-stop shops are the way to go. This would mean there was not confusion; there was not overlap; state bureaucrats would not be tripping over federal bureaucrats with potentially conflicting or different regulations; that they would be clarifying and making transparent the approval processes.

Are we passing to the state governments? Yes, we are; but what is our motivation in doing so? We want the Australian economy to grow at a greater rate than she is at the moment, at a rate that will ensure there will be genuine jobs growth. We want the economy to grow so that school leavers at the end of this year will be able to look forward to a future of gaining a job, becoming self-sufficient and self-reliant—that is our motivation—whilst ensuring that environmental standards are protected.

Senator CAMERON (New South Wales) (13:03): Labor does not support these amendments to schedule 5 of the omnibus repeal bill. Schedule 5 of the bill removes regulatory duplication in environmental protection. Labor believes that, where there are opportunities to streamline environmental assessment processes without weakening protections, those opportunities should be taken, and that removing duplication and superseded legislation makes sense.

I think Senator Collins went through our position in some detail earlier so I will not repeat that. I just want to indicate, as a former chair for some years of the environment and communications committee, that I think the big challenge for protection of the environment is not removing unnecessary duplication but protecting the environment and simply delegating approval of power to the states. I think that has been clear. There have been many submissions to the environment committee over a long period of time about handing powers of approval over to the states. That is where the danger lies, not in the repeal of a duplicative and superseded legislation.

Certainly Labor is of the view that that is a key issue that has to be addressed. Another of the key issues is—in terms of the environment—not offering to do deals with the government on so-called Direct Action policy. I think the big problems are in two areas: the Direct Action policy and handing power to the states.

In terms of unnecessary duplication: where it is not an environmental problem, we support it. We certainly do not support handing environmental powers to the states, given the record of the states over a long period of time; and we certainly will not be working with the government to hand over taxpayers' money to big polluters for the privilege of polluting. Our position is clear on this. We will not be supporting these amendments for the reasons that Senator Collins has outlined and the reasons that I have just amplified.
Senator WATERS (Queensland) (13:05): I go back again to this contention that it is duplicative, that protection for water from coal and coal seam gas is somehow the same as protection for water from silver, gold, lead and zinc mining. I cannot understand why it is so difficult for you both to accept that these laws do different things. That is why we are proposing that you keep the Water Act section that protects groundwater in the Murray-Darling from lead, copper, zinc and gold mining. That is different to coal seam gas and coal mining. Please, can somebody articulate that you realise that those minerals and commodities are different and that you just seek to weaken protection for groundwater in the Murray-Darling Basin. At least then you would be being honest about what you are seeking to do here.

Senator RHIANNON (New South Wales) (13:06): I note that Senator Cameron said there was no duplication here. But there is a real problem if section 255AA is removed. The senator—often we have to be outside the chamber—may have missed that there is a real problem. If that section is removed and then replaced with what is being proposed, which is an independent expert scientific committee, it only covers coal seam gas and large coal mining developments. That is set out in the explanatory memorandum of this bill. The minister has failed. He has not answered my colleague Senator Waters's question, who set it out very clearly and requested that he detail how the government is proposing to handle this.

We have mining around this country and in New South Wales, which has the largest part of the Murray-Darling Basin, with silver, gold, copper, lead, zinc and, possibly, uranium mining. The minister came to a point. It was like something dawned on him, 'Wow, we have actually been caught out here.' But he would not explain what they are going to do because he has got no explanation, clearly. They have gone from what was a reasonable part of the bill. As I said in my second reading speech, section 255AA of the Water Act does require an independent expert impact study into the effects of mining subsidence on the Murray-Darling groundwater system.

We are going backwards. Maybe Labor and the coalition have not been briefed properly. Maybe they are not sure but, at the moment, what it is looking like is another leg-up to the mining industry. We see it time and time again in state and federal parliaments around this country, where the mining industry gets what the mining industry wants. Right now, it looks very much like that. You cannot just say, 'It is not a duplication,' or say, 'We just have another way of doing it. Because we have got the EPBC Act, we have got a water trigger.' No, there is something that is going to be lost here that is very important—that is, requiring the studies when mining that is not just coal seam gas and coal mining is undertaken.

Minister, if another large-scale copper mine in the Murray-Darling Basin system was proposed that would result in subsidence, what studies would be undertaken and what aspects of these changes would be significant for that development?

Senator IAN MACDONALD (Queensland) (13:10): I might ask the minister and I might ask Senator Rhiannon as well. As I recall—and I do not have the EPBC Act in front of me—anything that has any impact on Ramsar wetlands is something that the EPBC Act can deal with. Again, I am not well enough prepared to actually name the Ramsar wetlands in the Murray-Darling Basin except to say that I am sure some part of the Murray-Darling Basin is subject to Ramsar classification. If I speak long enough, the names of those Ramsar wetlands will come to me. You were talking about subsidence from mining operations—drawing a very
long bow—but, nevertheless, if subsidence in the Murray-Darling Basin because of mining is going to occur then it must, of necessity, have some impact on Ramsar wetlands, which are in the Murray-Darling Basin area. That then would seem to me to be an issue for the EPBC Act. There are other provisions of the EPBC—unfortunately, I do not have it in front of me—dealing with a range of water issues which would enable the EPBC Act, as I understand it, to do what this Water Act provision that we are trying to repeal already does. It was typical of Labor and of the Greens that it did not matter to put regulation on regulation and regulation. It did not seem to worry the Greens that that, effectively, at the bottom-line, cost jobs for Australians. I have mentioned in this chamber on many occasions that sort of duplication costs Australia jobs.

I have often spoken in this chamber about an aquaculture project—digressing slightly, I see the Marine Conservation Society is saying what a great thing aquaculture is yet their mates in the radical Green movement will take every step possible to stop any proper aquaculture operations—that I am familiar with. I saw the project's EIS for the Commonwealth and it was about half a metre high of paper. That is okay; it needed to be done thoroughly. But this is half a metre paper for the Commonwealth investigation when they already had another half metre of paper for the state investigation on exactly the same sort of thing. And that is what this Omnibus Repeal Day is all about and our party is all about—trying to maintain the standards and protections that are essential but stopping the senseless activity of having to do the same exercise over and over again. It just does not make sense. Sure, the protections need to be there, they need to be strong and they are strong.

You have a process where you go through all of the state government approvals, which takes years, millions of dollars and costs hundreds of jobs, and that is fine; it has to be done. But then, having got state government approval on a very rigorous process, you would think you could go ahead and create the activity and create jobs for Australians but, low and behold, you have to do it again under the EPBC Act. You have to go through the same process again, costing millions of dollars and hundreds of jobs.

That is what this whole process wants to address, and that is what I am quite confident the EPBC Act will do in the hypothetical situations raised by the Greens political party in their questions to the minister. My question to the minister goes to whether the minister or his advisers have the sort of information that we need to explain to the Senate which provisions of the EPBC Act are relevant to the issue. From my memory, I am sure there are provisions in the act, and I hope the minister can refresh my memory on just what they are.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:15): I can indicate to the Senate that, whilst subsidence mining operations may not be limited to CSG and large coalmining projects which are subject to the water trigger and advice by the independent expert scientific committee under the EPBC Act, mining interception activities in the Murray-Darling Basin must be specified in state water resource plans and accredited in accordance with the basin plan. Accredited water resource plans must set out a process for monitoring the impact of all listed interception activities and associated actions that will be taken in the event that monitoring shows any impacts that compromise environmental watering or an increase in the quantity of water being intercepted. So I think what we would
find is that this is a matter for the state regulatory authorities to determine. That is, I dare say, part of our one-stop-shop approach in these matters.

**Senator WATERS** (Queensland) (13:17): Thank you, Minister, for finally admitting what we have been talking about for the last three hours—namely, that there was not duplication with the Water Act provision that your government is seeking to repeal and with the water protections in a different act applying to different mining activities. Thank you for at least finally admitting that it is not duplication. You have now just said, 'Oh, well, the states are going to do it, so it shouldn't have to be our problem.' We know that is your general approach to environmental protection, we know that you are trying to delegate your existing federal approval powers under the EPBC Act down to states and we know that you contend that the standards will not drop—and yet you are actually also, with legislation before this house, seeking to allow the states to not need to change their laws to reflect those standards. So, in essence, we know your environment policy is a complete dog's breakfast and the mining companies are writing it.

But I do appreciate the honesty with which you have eventually—after the, I think, sixth time I asked the question—admitted that there is actually not duplication between these two provisions. Your justification now is, 'It's somebody else's responsibility; so the federal government doesn't need to care.' As I say, I commend your honesty but you do not care about subsidence mining in the Murray-Darling Basin and its impact on groundwater—because that is 'somebody else's problem; that's the state government's problem.' But fact remains that you are removing a federal requirement from the Water Act and you are therefore reducing protection provided by this level of government for groundwater in the Murray-Darling. Again, at least you have now been honest about that fact. It has been perfectly clear to anyone who understands environmental law that that is what was happening all along. But I am grateful to the advisers in the box for eventually providing you with the information that explains what you are actually doing.

I do not think I have anything to add, other than that we think this will result in lower protection for groundwater; that we think this will potentially result in greater subsidence in the Murray-Darling; and that we do not trust the state governments to look after internationally environmentally significant assets. It is not their job. They do not have the personnel to do that job. Queensland have sacked 220 workers from the environment department and I understand you are already sacking many hundreds of environment employees at the federal level. There are not going to be the people to do the work that is currently done by the very busy public servants in the environment department federally. Those people are not going to be in the state department.

We will see standards drop, particularly if you insist on ramming through this place the Environmental Legislation Amendment Bill, which says that state laws do not even need to reflect those federal standards, that they can be partially in plans or guidelines and that is fine. We all know the legal status of plans or guidelines—that is, they can be considered and they do not need to be adhered to. So I am afraid that your rhetoric about standards being maintained is completely wrong at law—and you should know that and have some concern for the flagrant mistruth in that statement. However, my wonders will never cease.

Given the influence that *Hansard* records the Australian Minerals Council—as it then was back in 2008 when this Water Act provision of 255AA was first introduced—having, I ask
whether the mining industry in any of its representative bodies or mining companies themselves have lobbied to have this section removed? What has been the pressure from the mining industry about section 255AA? Is this just your own idea or is the mining lobby driving this one as well?

**Senator IAN MACDONALD** (Queensland) (13:20): I am sure Senator Abetz would not be bothered answering that last question about lobbying by the mining industry. What a silly question to pose on this particular bill. I wonder how that is relevant to bill—'Did someone lobby you about this?' That is a wonderful argument and so mature!

I just want to thank the minister for his last answer. What Australia desperately needs is a regulatory body that will look after specific assets like the Murray-Darling Basin. To suggest that New South Wales officials do not have an interest in the Murray-Darling Basin—as the Greens political party are suggesting—is patently wrong. I know that, under their water plan that Senator Abetz has indicated, the New South Wales officials will do everything that needs to be done—but you will not have it duplicated by the Commonwealth.

I thank Senator Abetz for his answer. I think that demonstrates exactly what this bill is all about: maintaining the protections but avoiding the costly job-culling duplication that you see so much. Thanks, Minister, for your answer. I am very satisfied now that the protections are still there but some of the regulation and duplication goes.

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:22): I thank Senator Macdonald for his contribution and echo his comments. I say to Senator Waters: you can assert that I have somehow conceded that it is not duplicative. I am sorry; no such thing occurred. In relation to lobbying—and I do not know which track you were going down—I am minded of the fact that the Greens are still the beneficiaries of the largest donation ever made in Australian history, that the person who made it said that he thought it was a very good investment and your former leader said he would be forever grateful. We saw how that all turned out in the destruction of jobs in my home state of Tasmania.

Senator Waters then referred to internationally recognised watercourses. If they are internationally recognised, they would be under the World Heritage or Ramsar listed wetlands, and that of course would trigger the provisions of the EPBC Act. If we want to talk about 'internationally recognised', then of course they are covered by the EPBC Act. I reiterate that, under the Murray-Darling Basin Plan, there have to be plans submitted in relation to sustainable diversion limits, on water and of water. I am not sure with what greater moral authority Commonwealth bureaucrats might be clothed than state bureaucrats. I believe that both state and federal bureaucrats are honest, diligent and committed to doing their task in a professional manner. To try to suggest that just because a Commonwealth official might do something it will, by necessity, be of a higher standard than that of a state official—I am sorry, I do not agree with that view of the world.

**Senator WATERS** (Queensland) (13:25): I do not know if that can be construed as a response to my very clear question, so I will come back to that point. There were a number of assertions there that were inaccurate and misrepresented points that I had made. Senator Abetz seems to think that I think state and federal bureaucrats are somehow different in their competencies. I did not suggest that at all. The fact remains—and I cannot believe I have to explain to Senator Abetz—that legislation guides decision making and when legislative rules
are different you get different decisions. That is the point about you saying that the federal standards do not need to be reflected in state laws—ergo they will not be complied with; ergo different decisions will be made. It is quite shocking that we are having this level of debate. I am really quite disheartened. I was already disheartened in this government, but I am truly shocked that Senator Abetz seems to be having difficulty with basic concepts, given the seniority of his role. I do not wish to descend into personal insults; I am simply flabbergasted. Be that as it may, could I please have an answer to the question about whether there were representations made at any stage since 2008, when this Water Act provision was inserted, by the mining industry, in any of its guises, to have it removed? That was my simple question. I am happy if the answer is no—then it was your own silly idea—but I would like to know whose idea it was.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:26): I cannot answer that question. I do not know what representations have been made since the Water Act 2007 was introduced—that was seven years ago—who approached whom, what, when and how. I cannot answer that. What I can tell you is this: we as a government ensure that, irrespective of by whom we might have been lobbied, we take decisions in the national interest. That is what motivates us. Just because one, two, three or no individuals approached us to lobby us about a certain course of action, we will always be an open government, we will always listen to people who come before us and put proposals to us, and we will consider them and listen to them. We do not have closed minds, unlike some others in this place. But, having said that, at the end of the day we will make decisions based on the national interest, irrespective of by whom we might have been lobbied.

Senator WATERS (Queensland) (13:28): So, Minister, is there no national interest in stopping subsidence in the Murray-Darling from gold, silver, copper, zinc or lead mining?

The ACTING DEPUTY PRESIDENT (Senator Edwards): The question is that schedule 5 stand as printed.

The committee divided. [13:32]

(The Temporary Chairman—Senator Marshall)

Ayes ......................35
Noes ......................14
Majority ...............21

AYES

Back, CJ
Brown, CL
Bushby, DC
Canavan, M.J.
Day, R.J.
Gallacher, AM
Lines, S
Lundy, K.A.
Marshall, GM
McEwen, A
McKenzie, B
Moore, CM
O'Sullivan, B
Bilyk, CL
Bullock, J.W.
Cameron, DN
Collins, JMA
Edwards, S
Ketter, CR
Ludwig, JW
Macdonald, ID
Mason, B
McGrath, J
McLucas, J
O'Neil, DM
Parry, S
The CHAIRMAN (13:37): The question now is that amendment (1), on sheet 7548, be agreed to.

The committee divided. [13:38]

(The Chairman—Senator Marshall)

Ayes ......................12
Noes ......................35
Majority ..................23

AYES

Di Natale, R
Lambie, J
Ludlam, S
Rice, J
Wang, Z
Whish-Wilson, PS

Hanson-Young, SC
Lazarus, GP
Milne, C
Siewert, R (teller)
Waters, LJ
Wright, PL

NOES

Ahetz, E
Bilyk, CL
Bullock, J.W.
Cameron, DN
Collins, JMA
Edwards, S
Ketter, CR
Ludwig, JW
Macdonald, ID
McGrath, J
McLucas, J
Muir, R

Back, CJ
Brown, CL
Bushby, DC
Cash, MC
Day, R.J.
Gallacher, AM
Lines, S
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
O'Neil, DM
Senator LUDLAM (Western Australia) (13:41): Mr Chairman, I now seek leave to move amendments (1) through (4), on sheet 7566, which were only circulated about 20 minutes ago.

The CHAIRMAN: Senator Ludlam, it would be more helpful if you could seek leave to move amendments (1) and (3) together, and (2) and (4) together, given that (1) and (3) are consequential on (2) and (4). I am happy for you to speak to them all at one time, though.

Senator LUDLAM: by leave—I move amendments (1) and (3) together, and (2) and (4) together, on sheet 7566:

(1) Schedule 2, page 9 (line 2), omit the heading.
(2) Schedule 2, item 5, page 9 (lines 3 to 15), to be opposed.
(3) Schedule 2, page 9 (line 16), omit the heading.
(4) Schedule 2, items 6 to 16, page 9 (line 17) to page 11 (line 6), to be opposed.

I will seek Senator Abetz's reading, by way of apology, that the chamber has only had 20 or 25 minutes to consider these amendments. I guess that is one of the consequences of dealing with an ominous bill of this type that deals with 100 issues on a day. This is a small one that nearly slipped through and I will grant the minister the benefit of the doubt that this is a drafting error and it is not intentional. This does not at all fit my conception of red tape removal or streamlining legislation, which I think everybody in here is reasonably comfortable with. This is about a Commonwealth regulator, in this case ACMA, to whom you complain about the behaviour of commercial broadcasters, public broadcasters and some quarters of the internet. You can also make complaints relating to broadcasting and broadcasting services, data-casting services and prohibitive content. It is actually quite an important area of regulation. On my reading of these amendments—and I am taking this from the government's explanatory memorandum, on page 13—ACMA at the moment, as you would expect and hope, is not required to investigate complaints where they are considered to be, according to the government's explanatory memorandum, 'frivolous, vexatious or not made in good faith'.

What you have done there, on the basis of your judgement, is say to the regulator that if a complaint is simply a waste of everyone's time, you will not then be compelled to investigate it, which is reasonable. The next paragraph of the EM says:

The effect of the amendments are to remove the ACMA's statutory duty to investigate complaints that do not fall in the limited categories for exemption. Instead the ACMA would have discretion to investigate the complaint if the ACMA considered it is desirable to do so.

I am a bit gobsmacked, so I am hoping that Senator Abetz can confirm this is a drafting error—and that we will not need to call a vote because we will all be on the same side of the
chamber—and that you do not allow a regulator to regulate on a day when it feels like it and you do not remove the obligation for a regulator to uphold complaints of broadcasting made by the public or other organisations on the basis of what it considers desirable. I might hold it there and we will work out what kind of debate we are about to have. Senator Abetz can clarify exactly what it is that the government is up to and whether this is a conspiracy or a stuff-up.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:44): The answer is neither and that answer would not surprise Senator Ludlam. Might I also say that it is somewhat disingenuous of him to suggest that the parliament is considering 100 changes on a day and that it is all a bit rushed.

This legislation was introduced into the House of Representatives four days short of six months. So it has been there for the public to see now for six months. We stand by the amendments that we are seeking and just remind everybody that the Commonwealth Ombudsman will still be able to review ACMA's administrative actions in performing its investigative functions.

Senator CAMERON (New South Wales) (13:45): Labor will be opposing these amendments. We supported this bill in the House of Representatives because we thought that there were no unforeseen circumstances that would prevail in the bill that were a problem. We have only just received these. Senator Ludlam, I accept the issues that you have raised are important in terms of your position, but we have only just received them, so we have not had a chance to have a really close look at it. But, given the position we have adopted in the House of Representatives, we will continue to oppose these amendments. We believe ACMA can do its job with the bill as it stands. Maybe, Senator Ludlam, in future, we can get discussions on these issues a bit earlier.

Senator XENOPHON (South Australia) (13:46): I just want to add my support to the amendments moved by Senator Ludlam and express my concern in terms of what the government is proposing. I am not suggesting that the government has rushed this or tried to sneak it through or anything like that, but the reality is that I have small office, a very hardworking office, and we are doing our very best to deal with every piece of legislation. This, too, is something that has slipped through the net.

The particular interest I have in this area relates to online gambling. My office gets complaints, not from just from South Australia but from around the country, in terms of complaints directed towards ACMA in respect of interactive gambling issues, where people have lost significant amounts of money—in some cases, their homes—because of the money they have lost in terms of online gambling. ACMA is often the only regulator that can assist in respect of that—or complaints about games that are targeting children that could be quite problematic in terms of future problem gambling behaviour.

My concern relates to the wording of the omnibus bill where it refers to 'desirable to do so'. What does the government say is the meaning of 'desirable to do so' and in what circumstances will that discretion be exercised? It seems to me that it is such a broad discretion that ACMA—perhaps through resource constraints, perhaps any other reasons or
other priorities—can ignore matters that are clearly in the public interest, that are clearly of
great personal interest for an individual that has lost a significant amount of money through
online gambling. What safeguards are there in respect to that?

I note that the Leader of the Government, Senator Abetz, made reference to the
Ombudsman having a say or an oversight role in respect of this. I do not pretend to be a better
administrative lawyer than Senator Abetz by any standard, but my understanding is that, when
it comes to dealing with administrative law matters, the Ombudsman's role is constrained
based on the legislative framework. So if you have a legislative framework where there are so
much more discretion for ACMA, there is less of a role, less chance for the Ombudsman to
intervene, because there is such a broad discretion. The Ombudsman is there if there has been
clearly a failure of process under the existing legislative framework. So these are my very real
concerns expressed in the context of online gambling complaints that I get from my South
Australians constituents and from people in the rest of the country who are concerned about
this issue.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting
the Prime Minister for the Public Service and Minister for Employment) (13:49): If I could
very briefly respond to what I was saying to Senator Ludlam in relation to the Commonwealth
Ombudsman, the information I have goes further: that not only does it not impact on the
powers of the Commonwealth Ombudsman to review the ACMA's administrative actions in
performing its investigative function, or for the decision to be subject to judicial review under

In relation to ACMA deciding that it is 'desirable to do so'—that phrase 'desirable to do so'
it would be expected that ACMA will continue to inform complainants about the result
of an investigation as a matter of best practice. At the end of the day, yes, we do rely on the
officials to act in a reasonable and appropriate manner, and they will be given that discretion
as per the legislation.

Senator XENOPHON (South Australia) (13:50): My concern with the Leader of the
Government's response is this: that, because it is a question of 'desirable to do so' under what
is proposed in the omnibus bill, it gives such a broad discretion to ACMA that any realistic
opportunity of judicial review or intervention by the Ombudsman will in effect be lost
because it is so broad. There is such a broad discretion there that 'desirable to do so' is not the
same as being concerned about the public interest or looking at the individual circumstances
of an individual that may have been particularly affected by the matter for which they wish to
seek intervention or assistance from ACMA. I am concerned that that level of discretion is so
broad as to render the opportunity of a remedy through judicial review or through the
Ombudsman as largely ineffective. My question to the minister is: does he agree with that
proposition as a matter of law? Secondly, does the minister take the view that, in effect,
'desirable to do so' is not something that has been tested in another piece of legislation? Are
there other examples of the phrase 'desirable to do so' in other pieces of legislation and similar
regulatory frameworks where it has been used, where it has been effective or not? Is there a
precedent for the 'desirable to do so' phrase?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting
the Prime Minister for the Public Service and Minister for Employment) (13:52): There are
two questions there. First of all, as a matter of law, I gave away the wig and gown many years ago and am no longer in the business of giving legal opinion, Senator Xenophon. However, in relation to whether the term 'desirable to do so' is used in other legislation: regrettably, I cannot assist you on that; I do not have any advice and I personally cannot think of an example. That does not mean that it does not exist, but I am unable to assist you.

Senator XENOPHON (South Australia) (13:52): I am grateful for the minister's candour! I still do not pretend, even though I still have a practising certificate—for my sins, I still do enough pro bono work around the place on issues. But I would have thought that, administratively, as a matter of law, it does mean judicial review, administrative law review, review by the Ombudsman, is much more problematic because of this wording, and the fact that the department or the minister's advisers cannot refer to any benchmark in terms of 'desirable to do so' indicates that we are perhaps in uncharted waters.

I feel very concerned about what is being proposed. I also just wanted to get some clarification from the shadow minister as to whether this is a particular section that the opposition will be opposing in the context of this.

I will be seeking a division on this. I do not think we should be going down this path.

I do not have more time but I think there is an argument that this would make it more difficult, for complaints in respect of online gambling and other issues where ACMA has jurisdiction, for there to be action. The online casino operators of Gibraltar and the Bahamas or Costa Rica or wherever will be very happy with this amendment, because it will mean less chance of ACMA being involved to protect consumers from abuses.

Senator LUDLAM (Western Australia) (13:54): While the minister is seeking advice, I would be very keen to know where in law the minister can point to any statute, anywhere at all, where the phrase 'desirable to do so' is defined, so that ACMA will know on what its various desires on any given day, about whether it exercises its powers or not, will be based. I think Senator Xenophon has pointed out quite correctly that it makes it impossible for decisions like this to be judicially reviewed if ACMA can just kick back and say, 'We decided it wasn't desirable, and that's that.' So if the minister can provide us with what ACMA will be using as its working definition of desirability, for whether or not to do its job, that would assist greatly.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:55): I have since been advised that there are allegedly many examples of the phrase 'desirable to do so'. The Superannuation (Resolution of Complaints) Act 1993 slipped my mind when I was responding. I am advised that there are also quite a few other examples, so we are not into uncharted territory here. It is an established legal term that has been used and, as you might guess, Senator Xenophon, I did not practice in the area of administrative law.

Senator CAMERON (New South Wales) (13:56): Senator Abetz, if this is an established approach that has been taken in previous legislation, do you have any examples as to where the issues that Senator Xenophon is raising have been dealt with—not the specific issues but the principles that he has raised? Does it cause or has it caused any of the problems that Senator Xenophon has raised in any other pieces of legislation? Obviously, if what Senator Xenophon is saying is correct then there are issues that need to be resolved in relation to this.
The other question would be: in terms of the Interactive Gambling Act 2001, would there be a need for separate amendments on that, Senator Abetz? Do you see this as falling within the same principles as Senator Xenophon is raising?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:57): I have since been given a checklist showing that the term to which Senator Xenophon referred, 'desirable to do so', in fact appears in 20 pieces of federal legislation. It has been relatively commonly used, it would appear, for over two decades now. Does this provide a wide discretion to the officials? Yes it does. We accept that. We believe that, in all the circumstances, it is appropriate. But, of course, as with all government departments and agencies, it is expected that ACMA will inform the public and the broadcasting industry about its general approach to investigating complaints in its discretion, and that will be made known publicly.

Senator LUDLAM (Western Australia) (13:58): I recognise that we are probably about to go to question time, but maybe I will just put this question on notice for the minister and his officers to consider in the interim. You have put examples to us to show that this is a term of art that is been used in other acts. I ask whether, in any of the other examples the minister wants to name, that idea of desirability is actually determinative as to whether or not the regulator uses its powers—as to whether or not the regulator actually does its job—or whether it has been interpreted in more peripheral ways in other acts? I thank the minister for acknowledging that it does exist in other acts. I am not familiar with the one that he cited. But to me it seems wide open to allow a regulator, in any field at all, to decide whether to do its job not on the basis of, 'Ignore the frivolous and vexatious stuff,' but, 'Just if you happen to feel like it.' I would still be seeking any criteria that ACMA would be forced to use as a benchmark, which, again, would form part of any future judicial review of a particular decision that might be contestable. And I ask: would ACMA have an obligation to inform complainants that it chose not to investigate that particular complaint because it found it to be not desirable? So my question is: just what is that feedback process going to be either in terms of annual reporting to the parliament or reporting directly to the complainant?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (13:59): Best practice does require ACMA and other organisations to inform complainants about the results of an investigation. This term that we are discussing has been in legislation, as I indicated, for over two decades. Its meaning is understood. It does give discretion to people in whom we have trust. That is why they are appointed to these positions. I commend the proposal to the Senate.

Progress reported.

MINISTERIAL ARRANGEMENTS

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): by leave—I advise the Senate that the Minister for Defence, Senator Johnston, will be absent from the Senate until Thursday, 25 September 2014, due to overseas travel on government business. For the purposes of question time, Senator Brandis will represent the Minister for Defence and Senator Scullion will represent the Minister for Infrastructure and Regional Development.
QUESTIONS WITHOUT NOTICE

Iraq and Syria

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:01): My question is to the Minister representing the Prime Minister, Senator Abetz. I refer to the Prime Minister’s statement of 14 September 2014 announcing Australia’s contribution to the international coalition against ISIL, in response to a formal request for assistance from the government of the United States. Can the minister advise the Senate when and in what form this request was received?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:01): I am unable, at this stage, to advise the honourable senator as to the form that the request was received, but I am more than happy to take the question on notice. Whilst I am on my feet, I thank the opposition for their bipartisan positioning in this matter. It is a matter of grave concern not only to Australians but to all the world, and the support of the opposition is appreciated.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:02): Mr President, I ask a supplementary question. I thank the minister for taking that question on notice. I ask that he take the following question as well. Can the minister outline discussions with the new government of Iraq in relation to the international coalition and its mission, including the terms of any request for assistance?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:02): I can indicate that in a recent telephone conversation with the Prime Minister, Prime Minister al-Abadi indicated Iraq would welcome any Australian military contribution to international efforts to help eliminate ISIL. He also noted that the concerted international efforts to fight ISIL will contribute to the stability of Iraq, the region and the world.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:03): Mr President, I ask a further supplementary question. Can the minister update the Senate on the support the Australian government is seeking from the UN Security Council in relation to ISIL?

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): As I understand it, and in conferring with my colleague Senator Brandis, who represents the Minister for Foreign Affairs, that the Minister for Foreign Affairs, Ms Bishop, is at the UN Security Council as we speak and she is seeking to advocate in the cause that I trust all of us in this chamber would be agreed on—that is, that there be decisive international support in matters that are confronting the world in relation to ISIL.

DISTINGUISHED VISITORS

Senator PARRY (Tasmania—President of the Senate) (14:04): I inform honourable senators that we have present in the chamber today a parliamentary delegation from Samoa, led by the Speaker, the Hon. Laauli MP. On behalf of all senators, I wish the distinguished guests a warm welcome to Australia and in particular to the Senate. With the concurrence of honourable senators, I would ask the Speaker to take a seat on the floor of the Senate.
Honourable senators: Hear, hear!

The Hon. Laauli was then seated accordingly.

QUESTIONS WITHOUT NOTICE

Iraq and Syria

Senator SMITH (Western Australia) (14:04): My question is to the Leader of the Government in the Senate, Senator Abetz. Can the minister outline to the Senate the terrorist threat ISIL poses both to the people of Iraq and to the entire international community, including Australia?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:04): Can I thank Senator Smith for that very important question on what is a genuine international threat and, as we have seen and witnessed in recent days, that has fundamental domestic relevance to Australia as well. ISIL is a terrorist organisation. Its ambitions know no borders and delight in publicising wanton and barbaric acts of violence, terror and execution. There are now 1.8 million internally displaced people within Iraq. The Australian government is appalled by what appear to be a third video of an ISIL beheading, this time of a British aid worker, and by the gruesome beheadings of two innocent US journalists, and numerous other atrocities in Iraq and Syria.

The overwhelming majority of Australians and I am sure everyone in this chamber find the barbarism of ISIL absolutely and utterly abhorrent. The emergence of ISIL and its universal declaration of an Islamic caliphate has concerning ramifications for Australia and our region as well as the Middle East. The decision by Australia to join the international coalition of some 40 nations to prepare and deploy a military force to counter the ISIL threat was not one that was taken lightly or with haste. These are grave decisions for any government and for any opposition to support.

It should be noted that our security experts have been concerned for the past 18 months about foreign fighters travelling to the region to further terrorist causes. Currently, we know there are at least 60 Australians fighting with ISIL and other terrorist groups, and another 100 or so supporting these extremists.

Senator SMITH (Western Australia) (14:07): Mr President, I ask a supplementary question. Can the minister update the Senate on the preparation and deployment of Australian Defence Force personnel to assist in international efforts to combat the terrorist threat of ISIL in Iraq?

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): On 14 September the Prime Minister announced that, following a specific request from the United States, Australia would supply 600 personnel, including RAAF aircraft and special forces, to support the coalition force against ISIL. I can inform the Senate that the main contingent of Royal Australian Air Force personnel and aircraft departed for the Middle East recently. The aircraft included FA-18 Super Hornets, a KC-30A Multi Role Tanker Transport and an E-7A Wedgetail airborne early warning and control aircraft. This is in addition to the RAAF C-130 Hercules and C-17A Globemaster already providing humanitarian and logistical support to
Iraq. Two humanitarian airdrops were completed on 14 August and 31 August. Australia is deploying a Special Operations task force in a supporting role—(Time expired)

Senator SMITH (Western Australia) (14:08): Mr President, I ask a supplementary question. Can the minister advise the Senate of the level of cooperation, both at home and internationally, that has been mobilised in the past few weeks with the common aim of standing up to this terrorist threat?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:08): I acknowledge the bipartisan support of the opposition. As the opposition leader has himself acknowledged, this is a matter above politics. Australia has prepared and deployed a military force and provided humanitarian assistance at the request of the United States and Iraqi governments. This is part of a broader partnership of more than 40 nations. In his key address to the United Nations last Friday, the US Secretary of State, John Kerry, thanked Australia for our commitment. He said:

We are particularly appreciative of the extent of Australia's commitment from obviously so far away—it is very meaningful and important.

Last Monday, an international conference on peace and security in Iraq was held in Paris, where around 30 nations, including a number of Middle Eastern nations, acknowledged ISIL as a threat not only to Iraq but also to the entire international community—(Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:09): I draw the attention of honourable senators to the presence in the gallery of the Australian Political Exchange Council's 31st delegation from the United States of America. On behalf of all senators, I wish you a warm welcome to Australia and in particular to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Iraq and Syria

Senator CAMERON (New South Wales) (14:09): My question is to the Minister representing the Treasurer, Senator Cormann. I refer to the Treasurer's statement on 15 September 2014 that Defence will be asked to absorb 'a significant amount of costs associated with participation in the international coalition against ISIL.' Is the Treasurer correct, or will the government maintain the practice of supplementing the net additional cost of major overseas operations on a no win, no loss basis?

Senator CORMANN (Western Australia—Minister for Finance) (14:10): I thank Senator Cameron for that question. Firstly, Senator Cameron would be well aware that, under this government, Defence is actually now on a funding growth trajectory again, unlike under the previous government. So there is an expectation that Defence will be able to absorb costs related to this particular activity over the next few months. The truth is, as Senator Wong would well know, that there are regular updates when it comes to budget estimates. So we will be updating the impact on the budget forward estimates in the usual way in the Mid-Year Economic and Fiscal Outlook.
Senator CAMERON (New South Wales) (14:11): Mr President, I ask a supplementary question. I refer to the Prime Minister's statement on 16 September 2014 that Australia's participation in the international coalition against ISIL will cost about a quarter of a billion dollars every six months. Can the minister confirm that a quarter of a billion dollars every six months is the current estimated financial cost of Australia's engagement?

Senator CORMANN (Western Australia—Minister for Finance) (14:11): No, I am not in a position to confirm that figure. What I am in a position to confirm is what I have just said in response to the primary question. That is that the government will provide updates on the fiscal impact of our engagement in the international action against ISIL in the usual way, in our usual regular budget updates—the next one of course being the Mid-Year Economic and Fiscal Outlook.

Senator CAMERON (New South Wales) (14:12): Mr President, I ask a further supplementary question. Given that you have indicated that there will be a report in the Mid-Year Economic and Fiscal Outlook, could you provide details of exactly what you will be reporting on? Could you indicate whether you do believe that it will be a significant amount in the region of a quarter of a billion dollars every six months?

Senator CORMANN (Western Australia—Minister for Finance) (14:12): That is not a very serious question. This is obviously an evolving situation. The government is involved in making serious decisions in the national interest. The government is dealing with these matters in the national interest in the exact same way as the previous government would have dealt with it. This is not, and should not be, a matter of partisan—

Senator Cameron: Mr President, I rise on a point of order going to relevance. It is entirely appropriate for the opposition to be asking about the cost of this engagement and it is entirely appropriate for us to be asking questions about public statements. I draw the minister's attention—

The PRESIDENT: That is not a point of order.

Senator CORMANN: As I have indicated, the government is obviously involved right now in making decisions. It is ongoing—it is obviously an evolving situation and there are decisions being made. This government will provide updates, as appropriate, in the usual way. Of course we understand the need to be accountable and we will be.

**National Security**

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (14:14): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General update the Senate about last week's counter-terrorism operations?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:14): Yes, I am able to do that. On 18 September, last week, officers from the Australian Federal Police, the New South Wales Police and ASIO executed 26 search warrants across a range of Sydney suburbs. Sixteen people were detained, two were charged, one on serious terrorism offences and the other on New South Wales firearms offences. As the investigation continues it is possible that more people may be charged. This operation, Operation Appleby, follows the investigation of a group of people located in Sydney whom, it will be alleged, had the intent to carry out attacks of violence on individuals here in Australia. Those being investigated...
have links to Australians currently fighting in Iraq and Syria, further demonstrating the threat posed to Australia's national security by those ongoing conflicts and participation in them by Australian fighters.

This activity is about keeping our community safe. Law enforcement and security agencies have taken action to disrupt and prevent planning for acts of violence. That is why they moved when they did. Law enforcement and security agencies will continue to work tirelessly to investigate and mitigate any threats of harm to our community.

The operations carried out last week demonstrate the terrorism threat we face is real. They also demonstrate the strong counter-terrorism capability we maintain. The public should be reassured that there is no need to be alarmed and should continue to go about their daily lives as normal. However, it is important that people remain vigilant and be mindful of the national security hotline 1800 123 400. (Time expired)

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:16): Mr President, I ask a supplementary question. Can the Attorney-General advise the Senate on the status of the government's proposed national security legislative reforms?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:16): In July, I introduced the National Security Legislation Amendment Bill to strengthen the ability of the Australian intelligence community to counter the threat of terrorism. The government expects to be able to pass this legislation through the parliament in this sitting fortnight and I hope we will have the cooperation of the opposition in facilitating that. I have had discussions with Mr Dreyfus, who has expressed a spirit of cooperation to me. This week I intend to introduce a second tranche of legislation to address the most pressing gap in our current counter-terrorism legislative framework—that is, the threat posed by foreign fighters, which I addressed in response to the primary question. Additionally, later in the year I will be introducing further legislation to implement a mandatory data retention regime. It is critical that we continue to provide our intelligence and law enforcement agencies with the tools they need to detect, prevent and disrupt terror threats to Australia.

**Senator BUSHBY** (Tasmania—Chief Government Whip in the Senate) (14:17): Mr President, I ask a further supplementary question. Can the Attorney-General apprise the Senate of community consultation and the outcome of that consultation?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:17): I have consulted extensively with many community organisations and in particular with leaders of the Islamic community, and will continue to do so. I want to thank the leaders of the Islamic community in particular for their ongoing partnership and action in addressing this common threat. As a result of those consultations, I have learnt many things and I have appreciated their feedback to the draft legislation. In consequence of that consultation, the government has decided, following advice received from Islamic community leaders, to retain the sunset clauses in relation to preventative detention powers and control orders. They will be rolled over and reviewed for another 10 years but the sunset mechanism will be maintained. As well, this morning, following discussions with the Director-General of ASIO and the Prime Minister, I announced that, although it is not legally necessary to do so, legislation will be amended to include a specific prohibition against torture in any circumstances.
**Syria**

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:18): My question without notice is to the Minister representing the Prime Minister, Senator Abetz. Prime Minister Abbott has said that Australia will have no military involvement in Syria, that now President Obama is calling for attacks on ISIL 'wherever they operate'. Does the Australian government support the US bombing and military operation in Syria? Will he rule out Australia ever engaging in bombing and military operations against ISIL in Syria?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:19): I have been asked to rule out something 'ever' happening. That, of course, is always a particularly difficult ask, especially when we are engaged, as we are with ISIL and the international conflict we are seeing unfold before our eyes, with an organisation that is about as barbaric as it can get. I understand that the President of the United States has made certain statements. Whether that would involve what the honourable senator refers to I do not know. I am happy to seek advice from the Prime Minister's office whether any further information needs to be provided in relation to the senator's question. Can I simply express my disappointment that the Australian Greens continually ask questions in this place about what the freedom-loving democracies of this world are doing in the fight against ISIL. There have been no questions about how we can assist the 1.8 million displaced Iraqis, no question on support. Even as the Leader of the Opposition has quite rightly expressed bipartisan support, for the Australian Greens it would just be a step too far to recognise the absolute barbarity of ISIL, that it needs to be condemned and needs to be stopped in its tracks, and the fact that now 40 nations have come together in a mix of Middle Eastern nations, European nations, the United States— (Time expired)

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:21): Mr President, I ask a supplementary question. Given reports that covert intelligence cooperation between the United States and the Assad regime is occurring at the same time as the United States is arming the Free Syrian Army, does not Prime Minister support USA cooperation, directly or indirectly, with Syrian President Bashar al-Assad, and will Australia rule out cooperation of any kind, direct or indirect, with President Assad?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:22): Mr President, I am not going to get into the detail of the matters raised in Senator Milne's question. There are a lot of sensitivities around the matters raised. Secondly, in this world often very difficult choices need to be made, and I am reminded of the Second World War where the freedom-loving nations of the world sided with the Communist regimes to get rid of the national socialism regime of Germany and it spread across Europe.

I think the Prime Minister described it in Syria as, if I recall, 'baddies against baddies' and it is a bit hard to make a judgement call. Here we have the Green senators willing to shake their heads. They undoubtedly support— (Time expired)

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:23): Mr President, I ask a further supplementary question: given the Prime Minister's decision to deploy fighter aircraft and SAS troops to Iraq, will the Prime Minister now admit that, contrary to original protestations, there are boots on the ground, that our involvement is military and that Australia has been committed to an open-ended war?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:23): No.

Workplace Relations

Senator McKENZIE (Victoria) (14:23): My question is to the Leader of the Government in the Senate, and Minister for Employment, Senator Abetz: will the minister outline to the Senate the government's proposed workplace relations reforms and the reasons why they are needed?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:24): I thank Senator McKenzie for her question. The government is committed to doing everything that we can to create jobs. We announced our Improve the Fair Work Laws policy in May 2013, more than four months before the election. Our plan will improve business competitiveness and fairness to workers.

It includes reforms to greenfields agreements which will stop rogue unions extorting unfair deals from employers—a serious impediment to national productivity and jobs. Our plan closes Labor's 'strike first, talk later' loophole in the bargaining laws that Labor refused to fix and we were promised would never occur. It clarifies individual flexibility arrangements, confirming the way Labor promised they would operate under the Fair Work Act. Employees can only trade up, must genuinely agree to the arrangements and be better off overall.

Our plan will also re-establish the Australian Building and Construction Commission. Fair, productive and lawful commercial building sites are critical to Australia's competitiveness and job creation potential. After Labor abolished the ABCC, the bad old days in the construction industry returned: wildcat stoppages, militant protests, demands that mates be employed on projects, and an increase in disputes.

I remind senators of the recent allegations of corruption within the CFMEU, including kickbacks to keep the peace, favours for crime figures and threats to kill those who are prepared to speak out against the dodgy union deals. It is time these reforms were passed so that we can facilitate jobs growth in our nation.

Senator McKENZIE (Victoria) (14:26): Mr President, I ask a supplementary question: can the minister advise the Senate of any support from unexpected quarters for the government's proposed workplace relations reforms?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:26): Yes, I can. I can inform Senator McKenzie that, on our policy for a registered organisations commission, former Australian Workers Union National Secretary, Paul Howse, has noted: 'I have no issue with coalition policy. There should be zero tolerance for any criminal activity.'

On our plan to bring back the Australian Building and Construction Commission, former ACTU president and Labor cabinet minister, Martin Ferguson, recently said:

It should be seen for what it was: a mechanism that holds both sides to account and which can help deliver projects on time and on budget

In relation to the Fair Work bill, Mr Ferguson said that the reforms are:

… a step in the right direction, they are really quite modest.
Even Professor Andrew Stewart, who was the architect of the Fair Work Act, said it was pretty straightforward and modest. *Time expired*

Senator McKENZIE (Victoria) (14:27): Mr President, I ask a further supplementary question: is the minister aware of any criticism of the government's proposed workplace relations reforms; and, if so, what is the government's response?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:27): I am regrettably aware of some criticisms. Labor and the ACTU, however, have received no support for their criticisms of the coalition's package since we released that policy in May 2013. But now, they are still trying to demonise individual flexibility arrangements, accusing the coalition of wanting to 'strip protections for workers on individual contracts' even though the current system does not have statutory individual contracts, and we aren't introducing them.

The opposition employment spokesman, Brendan O'Connor, has even entered Alice in Wonderland looking-glass world only last week asserting that 'They—that is the government—introduced what is called an individual flexibility arrangement.' Mr President, Labor introduced individual flexibility arrangements in its Fair Work Act, and the union movement specifically campaigned for it. *Time expired*

**Future of Financial Advice**

Senator DASTYARI (New South Wales) (14:28): My question is to the still acting Assistant Treasurer, Senator Cormann: is the minister aware of comments by David Murray in the government's financial services inquiry into a report that said:

… the principle of consumers being able to access advice that helps them meet their financial needs is undermined by the existence of conflicted remuneration structures in financial advice.

Minister, is Mr Murray right?

Senator CORMANN (Western Australia—Minister for Finance) (14:29): I thank Senator Dastyari for that question. Of course Mr Murray is right, which is why we have kept, in our improvements to our financial advice laws, all the consumer protections that matter but have cut all of the unnecessary red tape which is just pushing up the cost of advice—making it harder for people across Australia, who are saving for their retirement and managing financial risks through life, to access high-quality advice. What we have done in our improvements is keep the requirement for advisers to act in the best interests of their clients. We have kept the ban on conflicted remuneration. So what the government has done is entirely consistent with the observations that Mr Murray has made and that I agree with.

We have also cut all of the vested interest driven red tape that Labor imposed on the financial services sector. We have achieved $190 million in savings a year, which means that we will be able to drive down the cost of advice for people across Australia saving for their retirement. People will be able to access advice that is high quality and more affordable, which means that more of their own money will remain available for their retirement—rather than fund all of the vested interest red tape that Senator Dastyari's friends in union dominated industry funds are so keen to impose on everybody else.

Senator DASTYARI (New South Wales) (14:31): Mr President, I ask a supplementary question. Minister, noting your answer on conflicted remuneration, is the minister aware of
recent allegations, from a senior Westpac whistleblower, that the minister's watering down of FoFA has put bonuses for bank staff back on the table. Minister, isn't a sales bonus just another way of constructing conflicted remuneration?

Senator CORMANN (Western Australia—Minister for Finance) (14:31): Firstly, I completely reject the premise of the question, which suggests that we have somehow watered down consumer protections—

Senator Lines: You have!

Senator O'Neill: You have!

Senator CORMANN: We have not watered down consumer protections; we have cut unnecessary and costly red tape which was pushing up the cost of advice without actually delivering consumer protection benefits. We have also kept the consumer protections which matter—

Senator WONG: Is a sales bonus conflicted remuneration?

Senator CORMANN: If the Leader of the Opposition stops interjecting, I can answer Senator Dastyari's question.

Senator Wong: I was very quiet until this drivel.

Senator CORMANN: We have also kept the consumer protections that matter, including the ban on conflicted remuneration. People can call it whatever they want—

Senator Wong: Is a sales bonus conflicted remuneration?

The PRESIDENT: Pause the clock. Order, Senator Wong. Senator Dastyari, a point of order?

Senator Dastyari: I specifically asked the minister the question: is a sales bonus conflicted remuneration?

The PRESIDENT: On the point of order, Senator Dastyari, you also asked, 'Is the minister aware'. And, at the commencement of the minister's answer, he indicated that he rejected the premise of the question. Minister, you have the call; you have 15 seconds.

Senator CORMANN: People can call it whatever they like. If it is conflicted remuneration, it is banned and it remains banned. I refer you to ABC Fact Check, which describes these sorts of accusations as 'inaccurate scaremongering'. Don't take my word for it; take ABC Fact Check's. (Time expired)

Senator Wong: Is a sales bonus conflicted remuneration?

The PRESIDENT: Order on my left.

Government senators interjecting—

The PRESIDENT: And my right. Senator Dastyari is waiting to ask his final supplementary question. Senator Dastyari.

Senator DASTYARI (New South Wales) (14:33): Mr President, I ask a further supplementary question. Given the many outstanding concerns about the financial advice industry, will the minister rule out introducing legislation until the final financial services inquiry report is handed down in November?
Senator CORMANN (Western Australia—Minister for Finance) (14:33): I am not sure how I can rule out introducing legislation which has been before the parliament for six or seven months, and which has been the subject of two Senate inquiries. How can I rule out introducing legislation that is before the Senate right now?

Senator Dastyari: You can hold off introducing it to the Senate until the FSI reports in November. What is the rush?

Senator CORMANN: Senator Dastyari, that is just an incredible question. Let's just remind ourselves: what are we doing?

Opposition senators interjecting—

The PRESIDENT: Order on my left.

Senator CORMANN: We are implementing commitments we took to the last election that have been subject to two Senate inquiries. The first Senate inquiry recommended the passage of the legislation; the second Senate Economics committee inquiry will be reporting in the near future, and I look forward to their recommendations and to hear what they have to say—

Senator Dastyari: If you are not worried about the FSI report, wait for that. You've got your regs. What's the rush?

The PRESIDENT: Order, Senator Dastyari.

Senator CORMANN: That particular inquiry is also assessing the terms of the agreement that the government reached with the Palmer United Party and the Australian Motoring Enthusiasts Party, supported by Family First and the Liberal Democrats

Senator Dastyari interjecting—

Senator CORMANN: Senator Dastyari can jump up and down all he wants; we are pursuing good reform in the national interest. (Time expired)

Indigenous Affairs

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:34): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister advise the Senate how new streamlined arrangements in Indigenous Affairs will help improve outcomes for Aboriginal and Torres Strait Islander people?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:35): I thank the senator for the question. I thank him for his continued interest in Aboriginal and Torres Strait Islander affairs.

There is a quiet revolution going on in my portfolio. Senators will recall that the government had consolidated 150 separate policies and services into five program areas within a new Indigenous advancement strategy—the IAS. The five programs are: jobs, land and economy; children and schooling; safety and wellbeing; culture and capability; and remote Australia strategies.

The IAS provides $4.8 billion in funding over four years for organisations delivering services to Aboriginal and Torres Strait Islander people. It was announced in the budget that organisations which had a reasonable expectation of funding continuing into this financial year would have their funding extended either six or 12 months. And that happened. The next
major step is an open funding round, which opened on 8 September and continues until 17 October. This funding round will fund activities from 1 January 2015 and, in some cases, over the next three years.

Priority will be given to applications which can demonstrate tangible outcomes on the ground. Particular priority will be given to those applications for funding which can demonstrate the support of government's key objectives in Indigenous affairs: getting children to school, getting adults into work, and ensuring communities are safer. My department is now out in communities, talking with service providers and stakeholders, explaining the new arrangements, and working with them to ensure that applications for funding reflect the needs of communities and that local solutions are tailored and funded to provide for local problems.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:37): Mr President I rise to ask a further supplementary question. Can the minister advise the Senate how this funding round is different from previous funding rounds?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:37): Those opposite should be interested in this because it is in stark comparison with what they have provided. One simple application for funding activities across five program streams I outlined earlier is part of this government's determination to reduce red tape, cut duplication and inefficiency, and ease the administrative burden on organisations delivering services on the ground. There has been, in the past, too much bureaucracy in those opposite's old system. For example, 820 Indigenous organisations funded under just one department's grant system were required to submit 20,671 performance, financial and acquittal reports in 2010-11. Organisations funded to deliver a better outcome on the ground should be able to get on with the job of improving the circumstances of our first Australians. They should not be required to fill out endless reports against multiple contracts. (Time expired)

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:38): Mr President, I rise to ask a further supplementary question. Can the minister inform the Senate what steps the government is taking to improve governance of organisations that are funded by the Australian government to deliver services to Aboriginal and Torres Strait Islander people?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:38): I am happy to inform the Senate that this government is determined to help these organisations focus on good governance. It is important to ensure that the funds that are earmarked to drive outcomes on the ground actually deliver results. Under the Indigenous Advancement Strategy, any organisation receiving more than half a million dollars in funding through my portfolio is required to be incorporated under Commonwealth legislation. For Indigenous organisations, that generally means incorporation under the Corporations Act or under the Aboriginal and Torres Strait Islander Act. Other organisations will be required to be incorporated under the Corporations Act. Whilst some exemptions may apply, I am determined to ensure that every dollar of funding through the Indigenous portfolio meets the objective it is intended to. Our focus is on delivering real outcomes to improve the circumstances of our first Australians, particularly in getting kids to school, adults into work and making sure that communities are safe.
Budget

Senator KETTER (Queensland) (14:39): My question is to the Assistant Minister for Social Services, Senator Fifield. I refer to reports yesterday indicating the government will scrap its harsh cuts to families, pensioners and young jobseekers. Is the government planning to scrap its planned cut to family tax benefit part B families with children over the age of six and freeze family tax benefit payment rates for two years?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:40): Let me make clear to colleagues that the government remains committed to all of its social services budget measures. We are pleased, I might add, that the opposition has signalled support for savings measures around family tax benefit part A and family tax benefit part B. The opposition would be wise to get its facts straight rather than relying on newspaper reports.

Opposition senators interjecting—

The PRESIDENT: Order on my left.

Senator FIFIELD: Let me reiterate that the government, myself and the Minister for Social Services are absolutely committed to ensuring the sustainability of the welfare system. The opposition should indeed be supporting these common-sense measures that go some way to putting the budget back towards a path to being in balance.

Senator Cameron interjecting—

The PRESIDENT: Order Senator Cameron.

Honourable senators interjecting—

The PRESIDENT: Order on both sides. I think we should give the minister a little bit more latitude as we can tell his voice is not at his finest.

Senator FIFIELD: We on this side know that those opposite have an alternative. The alternative is to continue the trajectory, to continue the path of debt and deficit which they started when they were in government. I know colleagues have heard this number before but it warrants repeating—that is, the previous government had the nation on a path towards a gross debt of $667 billion. That is the plan and that remains the plan of those opposite.

Senator KETTER (Queensland) (14:42): Mr President, I rise to ask a supplementary question. Is the government scrapping its plan to cut the indexation of the aged pension?

Honourable senators interjecting—

Senator Wong interjecting—

Senator Cormann interjecting—

The PRESIDENT: Senator Cormann and Senator Wong, the minister was asked a question. I think the minister should be entitled to answer.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:43): I thought I heard Senator Ketter say that the government was intending to scrap indexation. That is the first time I have heard anyone say that. The government, after the next election, will be changing the basis upon which the age pension is indexed but indexed it will remain and increase it shall continue to do. In fact, it
was only on Friday that the age pension went up again as a result of indexation, which is good news.

The great lie of those opposite is that this government will—

Senator Wong: Mr President I rise on a point of order: relevance. There was a very simple question and if the minister did not hear it, it was: is the government scrapping its plan to cut the indexation of the age pension? The minister is not being directly relevant to that question.

The PRESIDENT: The minister has been directly relevant, and at the commencement of his answer he addressed the direct question asked by Senator Ketter. Minister, you have the call.

Senator FIFIELD: As I said in answer to the first question, the government remains committed to all of its social services budget measures. I thought I had made that clear. Let me make equally clear that the pension has increased and will continue to increase and will continue to be indexed. The lie put forward by those opposite that this government is seeking to cut the pension is wrong. (Time expired)

Senator KETTER (Queensland) (14:45): Mr President, I have a further supplementary question. Is the government scrapping its plan to penalise young job seekers?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:45): This government is not seeking to penalise young job seekers. This government is endeavouring to make sure that younger Australians are either earning or learning. I would have thought that would be a policy objective that everyone in this place could embrace—that is, that, if a younger person is not earning then they should be studying and, if they are not studying, we want to see them in a position where they have a job. Every budget measure in relation to younger Australians that has been announced by the government has one objective in mind, and that is to do whatever we possibly can to help them into work.

Child Care

Senator SESELJA (Australian Capital Territory) (14:46): My question is to the Minister for Human Services, Senator Payne, representing the Assistant Minister for Education. Can the minister update the Senate on the progress of the Productivity Commission's inquiry into child care?

Senator PAYNE (New South Wales—Minister for Human Services) (14:47): I thank Senator Seselja for the question. We are very cognisant of the fact that access to affordable, flexible and accessible child care is more and more critical for workforce participation of Australian families, but particularly women. We need a childcare system that suits today's 24/7 economy, not the old nine-to-five working week. That would mean that families are able to plan child care around their work life, not the other way around.

Senator Lines: When? It has been more than a year, and you—

The PRESIDENT: Senator Lines!

Senator PAYNE: As senators would be aware—at least those who are interested—the government has tasked the Productivity Commission to report on ways in which we can improve that affordability, that flexibility and that accessibility. The draft report of the
Productivity Commission was delivered in July. They are now in their final stages and I understand that the final report will be delivered to the government later this year.

In the process of the inquiry, the Productivity Commission received over 900 formal submissions—a very significant input from both a wide cross-section of the Australian community and organisations—giving the Productivity Commission in its work an absolute wealth of ideas and evidence with which to conduct their inquiry. As well as those formal submissions, the Productivity Commission received almost 1,200 comments from ordinary Australians—from mums and dads and others who are part of the system—who wanted to make a contribution as well. In addition, over 85 individuals or organisations appeared in the public hearings process before the commission, giving them further invaluable feedback on their draft.

If you look at the multiplicity of responses to the Productivity Commission and the number of people who have engaged in the process, which had that informal opportunity—

Senator Lines interjecting—

The PRESIDENT: Senator Lines!

Senator PAYNE: for Australian individuals to make comments, it is a great response from the Australian public and it really does illustrate how important this area of public policy is in the Australian community. (Time expired)

Senator SESELJA (Australian Capital Territory) (14:49): Mr President, I have a supplementary question. Will the minister explain what recent ABS data tells us about women's participation in the paid workforce? Why is it critical for Australian families to have access to affordable, flexible and accessible child care?

Senator PAYNE (New South Wales—Minister for Human Services) (14:49): Again, I thank Senator Seselja for his question, because these are very important statistics. Most recent data released by the ABS showed that the women's labour force participate rate continues to be lower than men's in Australia. At the moment we have figures which show us that 57½ per cent of mothers with children under five years are participating in the labour force, compared to 94 per cent of men with children of the same age. That figure changes quite dramatically, though, to 78 per cent of women once their children hit school age. It is concerning data but, at this stage, not that surprising.

The Productivity Commission's draft report found that 'the affordability of child care was the most commonly reported barrier to workforce participation for parents with children under five years old'.

Senator Lines interjecting—

Senator PAYNE: It also showed that a substantial number of women working in frontline jobs are being forced to return to a nine-to-five desk job. (Time expired)

The PRESIDENT: Before I call Senator Seselja, I would say to Senator Lines: you have interjected on every question, and I ask you to cease interjecting.

Senator SESELJA (Australian Capital Territory) (14:50): Mr President, I have a further supplementary question. Can the minister explain to the Senate how the government's approach in this area differs to previous approaches?
Senator PAYNE (New South Wales—Minister for Human Services) (14:51): I think it is important to return to some of the information I was speaking about earlier, because I know how much colleagues opposite like to talk about women in work and the gender pay gap. We now have a wealth of evidence that shows that improving affordability, flexibility and accessibility will remove significant barriers to women returning to the workforce. Those opposite know all about this—and they spent six years doing absolutely nothing. They were happy to jump up and down. They were happy to adopt a soapbox whenever it suited them and complain about the issues, but when it came to actually doing something they were invisible—nowhere to be seen. In fact, they sat back and presided over a 53 per cent fee increase in child care. That is an absolute disgrace. It is a lazy, wasteful approach to governing in this area. We are taking real action to make child care more affordable, more accessible and more flexible. *(Time expired)*

**Budget**

Senator MOORE (Queensland) (14:52): My question is to the Minister Assisting the Prime Minister for Women, Senator Cash. I refer to analysis by the National Centre for Social and Economic Modelling, NATSEM, that women in the poorest 20 per cent of households will be $2,566 worse off in 2017 as a direct result of the budget changes. Is NATSEM right?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:52): Everybody is entitled to their opinion, but let me tell you, Senator Moore, what is right. This government is committed to building a sustainable system for women in this country. Why are we doing that? We are doing that because of the legacy that your former government left. Believe me, the budget we brought down was not the budget that we wanted to bring down, but, unlike those on the other side who continually promised surplus after surplus after surplus after surplus—if I had to actually mention the word 'surplus' the number of times those opposite promised it but failed to deliver it—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order going to relevance. I would like the minister to get to the word 'NATSEM'. It would be very useful if I could have the minister return to my question.

The PRESIDENT: Thank you, Senator Moore. The minister has not even got to halfway through answering her question. I remind the minister of the question.

Senator Cash: Thank you, Mr President. The minister has not even got to halfway through answering her question. I remind the minister of the question.

Senator Cash: Thank you, Mr President. I answered the question with my first few words: everybody is entitled to their opinion. That is it. Senator Moore wants me to say, 'They're right; they're right; they're right,' so she could issue a press release, and I am not going to do that. As I said, we did not bring down the budget we brought down because we wanted to. The budget we wanted to bring down, quite frankly, would have been in 2007 when we lost the election, when we handed to those on the other side $20 billion in a surplus. Imagine what we could have done on this side—

The PRESIDENT: Pause the clock. Order!

Senator Moore: Mr President, my point of order continues to be on relevance. Two thousand, five hundred and sixty-six dollars—that is the NATSEM proposal that women
would be worse off. Could we please have a response to that question rather than a value piece about budgets?

**The PRESIDENT:** Thank you, Senator Moore, for your point of order. I remind the minister that she has 40 seconds left to answer the question.

**Senator CASH:** I do not think Senator Moore quite gets it. This government is fiscally responsible. Let me tell you about people who are worse off because of budgets. You pay $1 billion per month in interest when in 2007 the fiscal situation you inherited was zero payments per month in interest. Those on the other side do not seem to quite understand—

**The PRESIDENT:** Pause the clock.

**Senator Moore:** Mr President, my point of order is on relevance to the question that I asked. If the minister could respond to the issue around NATSEM, that was the question. It is not taking note; it is answering a question.

**The PRESIDENT:** Thank you, Senator Moore. The minister has 12 seconds remaining to answer the question. I remind the minister of the question.

**Senator CASH:** The mere fact that Senator Moore does not like the answer I am giving does not make the answer wrong.

**Senator MOORE** (Queensland) (14:56): Mr President, I will try to ask a supplementary question. This time we will give it a go on the gender gap. Given the gender pay gap has widened from 17.1 per cent to 18.2 per cent, does the minister agree that this government's budget will only further worsen the gender pay gap for women?

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:56): The answer to the question is no.

**Senator MOORE** (Queensland) (14:57): That was extremely relevant. Mr President, I ask a further supplementary question. Does the minister agree that one way to close the gender pay gap would be to increase the number of women appointed to cabinet? Furthermore, does she further agree with columnist Paul Sheehan that she should be the next cab off the rank to meet this gap?

**The PRESIDENT:** Minister, you can answer the part of that question that you feel fits within your portfolio responsibility.

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:57): All I know is that last year a YouTube video of me went viral when I was referring to the knifing of the former female Prime Minister by now Senator Wong. If you want to talk about women's issues be very careful because, when Senator Wong sits at that table merely because she took out the former female Prime Minister, seriously, you do not want to come to this—

**The PRESIDENT:** Pause the clock.

**Senator Moore:** Mr President, I rise on a point of order going to direct relevance to my question. It was about the gender pay gap and women in the cabinet, and also perhaps some comment about *The Australian*. 

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**CHAMBER**
The PRESIDENT: You did ask a question, Senator Moore, that probably stretched the limits of how a question could be framed to a minister with those responsibilities. Minister, you have 35 seconds left to answer the question.

Senator CASH: Regarding the gender pay gap, the last time it was the lowest was under the former Howard government—about 14.9 per cent. Under Ms Gillard, our first female Prime Minister, it actually rose to 17.6 per cent. So, in other words, you cannot have it both ways. The gender pay gap at 18.2 per cent is very disappointing, and I issued a press release to that effect. But let me tell you: this government is doing more by way of policy than you have ever done. (Time expired)

Veterans' Affairs

Senator REYNOLDS (Western Australia) (14:59): My question is to the Minister For Veterans’ Affairs, Senator Ronaldson. Can the minister advise the Senate what new initiatives are taking place to support our service men and women recently separated from the ADF?

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:00): I thank Senator Reynolds for her very important question. Prior to the week before last, my department did have existing rehabilitation arrangements. It was my very strong view that they were not sufficient, and we have moved to address that. In Brisbane, on 12 September, I announced a trial program involving 50 wounded, injured and ill former Defence personnel who we are going to match with employers as part of a short-term trial—hopefully with some long-term outcomes.

The gap in the rehabilitation services that we had been providing was that whilst we had been doing all those things, including training, there had not been sufficient work put into matching potential employers with potential employees—the wounded, injured and ill. This trial sets out to match the requirements of the wounded, injured and ill personnel and the needs of employers so that the department can understand the needs of the Defence personnel and also of the employers.

I was joined at the launch by 'Terry', who said this: ‘I feel honoured to be part of this employment assistance initiative announcement. Completing a program and getting a permanent job at Downer EDI has changed my life. Before I joined Downer, I was a heavy vehicle mechanic in the Army for 17 years. I got injured and I could not do my job properly. Being forced to leave a job that I loved, and one that I thought I would spend the rest of my working days in was a life-changing moment. I felt very down and had the feeling that I had failed myself because I had not fulfilled my goals within the Army. I really enjoy my job at Downer at the moment— (Time expired)

Senator REYNOLDS (Western Australia) (15:02): Mr President, I ask a supplementary question. Can the minister advise the Senate what steps his department is taking to improve transition out of Defence?

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:02): I thank the senator again. I will finish off that quote from Terry—

Senator Cameron interjecting—
Senator RONALDSON: Senator Cameron might be interested in hearing it. Terry said: "I really enjoy my job at Downer at the moment. I find it stressful at times but it really is rewarding. I really think other injured soldiers should get out there and give it a go with this new program and try to get the most out of it."

In relation to Senator Reynolds' question, it seems remarkable to me that those who were transitioning out of Defence could not be contacted by my department unless they actually lodged a claim. Ridiculous! Privacy laws precluded that. So I worked with the department, and the secretary will now write to every transitioning member telling them exactly what the department offers and, just as importantly, telling their families what the department offers. It has filled a massive gap, and ex-service personnel or those transitioning deserve to know what is available.

Senator REYNOLDS (Western Australia) (15:03): Mr President, I ask a further supplementary question. Can the minister advise the Senate what role the government has to play in supporting these men and women now and also into the future?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:03): I thank Senator Reynolds, who of course has a very personal interest in this matter. The department recently did some work, and we were concerned to find that many transitioning members did not understand what was available to them. We are addressing that by way of a letter via the Department of Defence. We have also released a YouTube video which talks about some of the initiatives that are there. This government is absolutely serious about tackling mental health issues. We have a number of programs that I have actually implemented now—

Senator Lambie interjecting—

Senator RONALDSON: I hear Senator Lambie interjecting. The one thing that Senator Lambie has got to learn is that using the suicides of ex-personnel has got to be done very, very, very carefully. I have heard Senator Lambie make allegations that the department is covering up about those people. We most certainly are not and I emphatically reject it. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Future of Financial Advice

Senator DASTYARI (New South Wales) (15:05): I move:

That the Senate take note of the answers given by the Minister for Finance (Senator Cormann) and the Assistant Minister for Social Services (Senator Fifield) to questions without notice asked by Senators Dastyari and Ketter today relating to the regulation of financial advice services and to budget measures in the Social Services portfolio.

Senator Cormann failed to give an adequate response about the dramatic actions that are being taken by this government in terms of watering down the Future of Financial Advice laws. What is so alarming is that, even though the government have got their way on their regulations, they are taking steps to ram through a legislative agenda to enforce and enshrine what is nothing more than a gift to a handful of crooks, con men and criminals who have misused the financial advice industry to promote themselves and their own objectives. Let us be clear: there are a lot of good people out there in the financial advice industry but there are
also a handful of people who have given this sector and this industry a bad name. That is why when it comes to regulation, when it comes to protections, the onus should be on making sure consumers are being protected.

Minister Cormann said he is aware of comments by David Murray, the author of the government's financial services inquiry interim report, that the principle of consumers being able to access advice that meets their financial needs is undermined by the existence of conflicted remuneration structures in financial advice. But he refuses to say or explain why a sales bonus that is constructed as a reward for getting someone an increased number of sales is not conflicted remuneration.

The response here is, frankly, not good enough. We know that the financial services inquiry is underway and that, in November, it will hand down a report. We know that the report it will hand down will be scathing on the financial advice industry. Our argument here is, rather than bringing in the legislation this week or next week or as soon as possible, considering the minister has already got his way on his regulations, why not wait to allow a proper investigation, a proper FSI report to follow and a lot of these matters that are now being aired, matters involving the Commonwealth Bank, Westpac, and the ANZ when it comes to Timbercorp, to be properly debated, explored and investigated by the FS inquiry and then, at the end of that process, if there is a need for legislation then have the debate then. But we do not need to ram through this legislation.

Last week, in The Sydney Morning Herald, the fantastic Adele Ferguson wrote that a report is coming down a week or so from now regarding the conflicted nature of advice that is being given in the insurance sector. What is the government's plan? What is its response? Get through our FoFA changes as soon as possible; ram the legislation through as quickly as possible. We were told in the committee that we could not wait another week, that it all had to be brought forward this week and that we have to table the report this afternoon. But there is no rush for this. There is no need to ram this legislation through. Let us see what ASIC has to say next week and what the FSI has to say. Let us find out what is happening in Westpac. Let us make sure we have got right to the bottom of what has happened in the Commonwealth Bank. Let us allow for a proper investigation into the role of ANZ, as far as their responsibilities for Timbercorp are concerned, and let us allow all these matters to be properly aired, debated and investigated. Then we can have a proper, frank and fearless debate about what legislation is needed. But simply enforcing the regulations that the minister has already got up through legislation, to get it off the agenda, is not good enough. It is rushed, it is ill-prepared and it involves a series of recommendations and amendments that will, frankly, not protect consumer protections. We can wait and we should wait.

Senator IAN MACDONALD (Queensland) (15:10): Can I start my contribution by congratulating Senator Cormann on the work he has so far done in this very, very complex issue—an issue, I might add, most Australians and certainly many senators, including me, do not have an intimate knowledge of. And, if Senator Dastyari were to stay in the chamber, he might learn something.

Having listened to Senator Dastyari's five-minute tirade, can I just ask him: where was the Labor Party over the six years of government, when the rorts and tragedies that occurred in the financial advice area were all happening? The Labor Party, of which Senator Dastyari is now a parliamentary member, which presided over those real issues at the time of the Storm
Financial arrangement, did not do anything at all to help Australians who were relying on advice from financial planners.

Senator Dastyari has had a lot to say. It is a pity, I think, that he did not turn his mind to this matter in the days when Labor was in charge of these areas. The previous speaker is very big on criticising a government that is actually doing something about the matter but very silent when it comes to why he and his party did not do something over the previous six years.

We have to address a number of issues. The main issue which is causing the government real problems is how to deal with the financial situation of our nation, our so-called big home, where under the Labor regime we were spending far more money than we were earning. We all know that, under Labor, the debts and the borrowings blew out to the extent where, in the course of time, Labor's debt legacy will be approaching $600 billion.

People perhaps do not quite understand how governments work. But can I say it is very simple. It is like your own household budget: you cannot spend more than you earn. You cannot keep borrowing and borrowing because, some day, you have to pay it back. You certainly cannot borrow to pay the interest on previous borrowings. That is what was happening under the Labor government. This is a tragedy and it is one of the great dangers and real problems that have been left to the current government to sort out. People like Senator Cormann and Mr Hockey have been working brilliantly, I think, to try to address all those issues, including the issue that Senator Dastyari raised in this debate on answers to questions in question time.

So, Senator Dastyari, were it not for the fact that our senior economic ministers are spending most of their time trying to sort out the mess that your government left them, they may well have been able to concentrate more on the issue which you raised. All of these issues involving money are matters which have been very well handled by Mr Hockey and Senator Cormann. They have been doing a wonderful job so far in fixing Labor's financial mess. I can assure Senator Dastyari and other senators in this chamber that you will get the same sort of competent, sensible, mature solution of the issues which seem to be worrying Senator Dastyari so much.

**Senator GALLACHER** (South Australia) (15:15): I would like to make a contribution to the motion to take note of the answer of Senator Cormann to Senator Dastyari's question. Firstly, I want to address the issue that Senator Macdonald just raised about what Labor was doing when a number of these extremely stressful and trying circumstances arose. We asked for the best interest duty to be contained in legislation. We asked that financial advisers opt in and get their clients to opt in to receive ongoing service every two years. We asked financial advisers to annually disclose statements—that is, send to their clients the fees that they are charging and the details of the services performed. A ban was placed on conflicted remuneration. That is what we were doing: we were taking note of the things that had happened to the innocent people in the community who had been taken advantage of by these unscrupulous providers.

It is more pertinent to ask: what were the Liberals and the coalition doing? On 20 December 2013, former Assistant Treasurer Arthur Sinodinos announced that the Abbott government would make several changes to FoFA, including: removing the catch-all provisions in best interest, which adds a loophole for advisers, meaning that best interest will become ineffective; scrapping the opt in, which allows an adviser to continue to charge fees,
sometimes without having actively worked on a client's file, indefinitely, without receiving consent from their client; amending annual disclosure provisions so that advisers now only have to provide annual disclosure to clients who commenced with them after 1 July 2013; and a partial lifting of the ban on conflicted remuneration. This ban will only apply to personal advice, not general advice. This will open the door for a sales push culture of products over advice.

Let us just think about a couple of facts. Former Assistant Treasurer Senator Arthur Sinodinos was a director of the National Australia Bank. That is a fact. Former Assistant Treasurer Arthur Sinodinos is not in the chamber today—that is a fact. If you read any of the New South Wales newspapers in the intervening period, you will realise that he has been before ICAC. He was a former treasurer of the Liberal Party, a director of the company which was investigated in New South Wales. These are all facts. You can draw your own conclusions from all of these things.

But the reality here is that there is $1.8 trillion in superannuation in Australia. If you have a quick squiz at the ASIC site, you will see what Senator Cormann is trying to save investors from. He says, 'Financial advice is very expensive.' According to the ASIC website, you will pay between $200 and $700 for simple advice. For more complex or comprehensive advice, you will pay between $2,000 and $4,000. There are a whole range of things listed there that you should discuss with your financial adviser. But what has actually happened with financial advice is that it has been wholesaled by the big banks. Smaller financial advisers are being grouped together and are being swallowed up by the wholesale big banks.

If you go to the recent Senate inquiry conducted by Senator Mark Bishop, you will find that there were no less than 61 recommendations that found that there was a need for an examination of the Commonwealth Bank in relation to the misconduct of its advisers and planners. You have a picture here of a person—a former Assistant Treasurer, a former director of the NAB, a person who is not here in the chamber today to defend himself—I hope he turns up tomorrow to do so—who was the architect of this legislation which is opening up the gates and which is not the right thing for superannuants or anyone seeking financial advice in Australia.

Senator BERNARDI (South Australia) (15:20): One thing that I have learnt in this place is that when an honourable senator stands up and claims things as facts, they best be true. Senator Gallacher, who, to his credit, is a very well-meaning individual, has stated repeatedly that Senator Arthur Sinodinos was director of the National Australia Bank. To my knowledge, I have never known that he was a member of the board of directors of the National Australia Bank. He may well have been an executive there. But, Senator Gallacher, you should not state them as facts when they are incorrect. And if you cannot get basic information like that right, how are we entitled to rely on the rest of the things that you have put to us?

There are some certain facts which I would like to put on the table. There was indeed a bipartisan approach to reform of the financial services regulations in this country. It is an area where I have a modicum of expertise, given that I spent 10 years or thereabouts in the financial services industry and I understand it. I also understand that there is a need for reform. There was a bipartisan inquiry—colloquially known as the Ripoll inquiry—that was a broad agreement between the Labor Party and the coalition about the way forward on how we could make financial services advice affordable, accessible and ensure that it is continually in
the best interests of the client. That report was signed off. But between the report and the bill, which the Labor introduced, between the legislation that was introduced in this place and the other place, something happened. The deal that was made to reform financial services became a deal to enrich unions. You overstepped the mark. You rejected the agreed position that was in the best interests of the country and you overstepped the mark in order to favour those who favour the Labor Party.

This is the tragedy: you cannot do a deal with those on the opposite benches, because they will not honour it. They will not honour their deals through the committee system and they will not honour their deals to the Australian people. When they get into government or when they get into a circumstance of power, they say one thing and do another. This is the tragedy of the Labor Party. They are captive to internal machinations. The union movement determines what happens within the Labor Party. This is an unhealthy party. It is a party with an unhealthy culture.

If you want a prime example, Senator Gallacher said there needs to be transparency and openness. He mentioned something about opting into continuing financial services provided by an adviser. I would like to see that translated to within the union movement. I would like to see those who pay their union dues opting in, to allow those dues to support slush funds, electoral funds, union brawling, internal fights, donations to political campaigns and causes that the individual union member might not agree with. What has happened to the role that unions used to play in representing the working man? Every day that I look into the royal commission and continue to hear evidence it appears it is more about union bosses looking after each other and themselves.

There is a noble cause representing those who are voiceless or unrepresented: going in and having a fight for them, to put up and say, 'Hey, we're here to do the best for you.' But the entire thing is sullied. I will not listen to the sanctimony of the other side about financial-services advice when things are designed to enrich individuals. This is the great tragedy of where we have come. The once great union movement and once proud Labor Party has become a farce. It has become a shadow of its former self. I know there are many on that side who are concerned about that.

When we say, 'Let's work out the best ideas,' and reach an agreement on a committee in this place, you expect the government of the day to listen to it. Unfortunately, the future of financial-advice reforms were overcooked by the former government. They overreached. They betrayed the trust of the parliament and the Australian people. Now we have to address that. (Time expired)

Budget

Senator KETTER (Queensland) (15:25): I rise to make a contribution in answer to a question I asked of Senator Fifield on some of the harshest budget measures we have seen for many years. I asked Senator Fifield, in relation to a number of the government's harsh cuts to families, pensioners and job seekers, whether the government is planning to scrap some of these changes in light of recent media reports.

I mentioned reports yesterday but today also we see a report in The Australian Financial Review under the heading, 'Reforms to be ditched.' I noted Senator Fifield's response to my question. His answer was that the government remains committed to the social-welfare
measures contained in the budget, which is a very disappointing response. His answer appears to be quite at odds with the speculation, in the media, about discussions that have taken place with the crossbenchers on some of these more serious social-welfare changes.

There is some speculation that the government may split the bills in order to get some of those through the Senate. This is an indication that this government is totally out of step with what the community wants. It is finally being brought to realisation that the community has rejected these harsh and unfair budget measures, and there is hopefully going to be some recognition of that in this place.

There are harsh cuts to pensions, young job seekers are being penalised and there is the axing of the family tax benefit. These are things that people did not vote for. The Abbott government's cuts include cutting families from the family tax benefit B when their youngest child turns six, freezing payment rates for family tax benefits, slashing the family tax benefit end-of-year supplements and ceasing indexation, and we have already seen the killing of the schoolkids bonus.

Due to this government's cuts to family payments and the schoolkids bonus, a single-income family on $65,000 will be around $6,000 a year worse off by 2016. This government has misled the Australian people on Medicare, pensions and 'no new taxes'. Families will now have their family tax benefit payments reduced at the same time as a new GP tax and petrol tax are introduced.

The position of Labor is that this budget contains some of the harshest welfare measures in our nation's history. We say the bill would lead many Australians to be worse off, and this includes some of Australia's most vulnerable people. Our position is that Australia's fiscal position remains fundamentally strong. We do not accept that Australia's fiscal position warrants such dramatic cuts to low-income Australians.

I have touched on a number of areas that I raised in my question. I also would like to bring to the attention of the Senate that I have been approached by the Australian Catholic Religious Against Trafficking in Humans, ACRATH. They have expressed some concerns about 'collateral damage' of people who are victims of slavery and human trafficking in our country who would be unintended victims of the measure that relates to the special benefit. If passed, individuals under 30 on the special benefit will become subject to a six-month exclusion period similar to that proposed for job seekers on Newstart. ACRATH have spoken with the government. We hope the government will be reconsidering this position as well. We understand there may be a compromise under consideration here where the six-month waiting period might be reduced to one month but in reality, there should be no waiting period for people in the extreme circumstances involved in human trafficking and for migrant victims of domestic violence. I place on record my voice and urge the government— (Time expired)

Question agreed to.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Iraq and Syria

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:31): by leave—I would like to add some information to an answer I gave to a question from Senator Wong
earlier in question time today. I can indicate that the government received a formal letter from the Obama administration on Saturday 13 September 2014.

MINISTERIAL STATEMENTS

National Security

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:31): I table the Prime Minister's statement on national security and seek leave to move motions relating to the document.

Leave granted.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:31): by leave—I move that a motion to take note of the document be considered for not more than 60 minutes.

Question agreed to.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (15:31): I move:

That the Senate take note of the document.

Earlier today, the Prime Minister made a statement to the other place on national security. The considered statement highlights the duty of government and the grave circumstances the world community faces today because of the emergence of ISIL, an organisation that can simply be described as a terrorist organisation and one which is engaged in acts of barbarism and brutality unparalleled in recent times. Regrettably, Australia is not immune. I congratulate the Prime Minister on his leadership in these difficult times. Australians overwhelmingly appreciate his decisive leadership, as they appreciate the Leader of the Opposition's bipartisan support.

In response to the circumstances we confront, the Prime Minister told the other place:

Regrettably, for some time to come, the delicate balance between freedom and security may have to shift. There may be more restrictions on some so that there can be more protection for others. After all, the most basic freedom of all is the freedom to walk the streets unharmed and to sleep safe in our beds at night.

Creating new offences that are harder to beat on a technicality may be a small price to pay for saving lives and maintaining the social fabric of an open, free and multicultural nation.

That applies to this place as well—namely, the parliament—and I want to briefly acknowledge the work of you, Mr President, and that of Madam Speaker in reassessing the security needs of those who work in this place and those who visit it.

The fact that 40 nations are joining to fight ISIL tells us something. They are joined in fighting a movement that justifies the beheadings, crucifixions, mass executions, ethnic cleansing, rapes and sexual slavery that have taken place in every town and city they have captured. To do such evil, and to revel in doing such evil, is simply unprecedented. This revolting barbarity has regrettably found support in our midst and as a result we need to respond. Time is limited; other senators reasonably wish to comment. I simply commend the statement to the Senate and to the Australian people.
Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:34): I rise to take note of the Prime Minister's statement on national security—a statement which follows troubling events last week when law enforcement agencies moved to foil a suspected terrorist act in Australia. Last week more than 800 police and security personnel across Sydney and Brisbane raided homes, executed search warrants and arrested a number of individuals.

The allegations about what was being planned are truly horrifying but the events of last week should also give us a sense of reassurance. Australians should be reassured by the skills and capabilities of our security and law enforcement agencies—agencies which have a strong track record in tackling threats of terrorism before innocent people are harmed. Before last week's action, four major terrorist attacks on Australian soil have been disrupted since 2003, with participants prosecuted, convicted and jailed. Labor has confidence in the ability of our security agencies to keep Australians safe.

As Labor's leader in the Senate, I thank the Australian Defence Force personnel who are currently pre-deployed to the United Arab Emirates. Those personnel enjoy the full support of the Australian Labor Party and the Australian community as they prepare to assist the Iraqi Army and the Kurdish Peshmerga in their fight against IS. I also wish to extend our thanks to their families who remain at home—partners, children, parents and friends—who must now endure nervous weeks and months as their loved ones head into harm's way. Australian personnel are being asked to enter a very dangerous situation and there are significant risks involved in any potential mission. We know that the women and men of our ADF will undertake their mission with their usual professionalism, termination and dedication, and they will be in the thoughts of all of us until they are safely returned home.

As I have previously stated in this place, Labor's support for this deployment reflects a number of motivating factors. We believe Australia should respond effectively to help relieve humanitarian crises and prevent genocide. Australia has accepted the responsibility of taking part in international action to protect the innocent and honourable in the past.

I have mentioned before in this place our participation in missions in places like Cambodia, Rwanda, Somalia and East Timor, where Australia has acted with international partners to protect populations at risk of violence and bloodshed. We now face a situation in Iraq where local populations face the risk of terrible atrocities at the hands of IS. Labor believes these circumstances warrant Australia's participation in action to prevent mass atrocities in Iraq.

Another important factor motivating our support for this action is that it is being done in cooperation with the Iraqi government. We believe that for stability in Iraq there needs to be a democratic government that provides cohesion and unity. It needs to be a government that governs for all Iraqis, that rejects sectarianism and that protects minority groups. For these reasons—and subject to the conditions that the opposition leader, Mr Shorten, has outlined in the other place—Labor supports the provision of air support and special forces troops in training and advisory roles in Iraq.

This nation is a good global citizen and, as such, Australia has a responsibility to act with others to protect vulnerable civilians from genocide, murder, rape, forced marriage, forced conversion and other crimes. The new unity government in Iraq has sought assistance to prevent further atrocities occurring. We will be participating in supporting them and helping
this Iraqi government as part of coalition of many nations from the region and around the world.

With this assistance, it is our hope that the government of Iraq will be able to defeat the threat posed by IS and, ultimately, to provide the Iraqi people with the peace and stability that has eluded them for so long. I stress again that Australia's military involvement in Iraq should only continue as long as it is necessary. As Mr Shorten said today, we want Australian military personnel to carry out a clearly defined mission in Iraq, at the request of the Iraqi government, and then come home safely.

An important dimension to this crisis is the significant number of refugees and internally displaced people fleeing the conflicts in Iraq and Syria. Labor believes Australia should be doing more to help address this refugee crisis. In government we increased the annual intake under Australia's humanitarian refugee program to 20,000 places. The government has cut the intake to 13,750 places. As our foreign affairs spokesperson, Ms Plibersek, has stated, Labor believes that the intake of 4,400 refugees from Iraq and Syria, which the government has announced, should be in addition to the existing 13,750 places. This is the appropriate thing to do given the sheer number of people who are fleeing violence and persecution.

I turn, now, to anti-terrorism legislation. In his statement in the other place, and tabled today, the Prime Minister has referred to legislation to strengthen the ability of our law enforcement and security agencies to tackle terrorism. There is legislation already in the parliament dealing with the powers of the security agencies. This is due to be debated in the Senate in coming days.

I note that the Joint Committee on Intelligence and Security made several recommendations to improve this legislation and I am pleased that the government has accepted these recommendations. The Prime Minister has also foreshadowed new legislation to be introduced shortly to create new terrorist offences and to extend existing powers to monitor or detain terror suspects. As our shadow Attorney-General has stated, Labor supports our intelligence and law enforcement agencies having the necessary powers to deal with the threat of terrorist attacks. We will consider the detail of the new legislation when it is introduced to parliament.

A fundamental responsibility of government is to protect the safety of the country's citizens. To ensure we live in a safe community we also need to ensure we form a cohesive and united multicultural community. Political leaders not only have a responsibility to protect the safety of citizens and the security of the nation. We have that responsibility but we also have a responsibility to uphold Australia's values of tolerance, diversity and inclusion.

I was struck by the comments of a Muslim boy interviewed on the ACT 7:30 program last Friday 19 September. He was asked by the reporter what he would like to say to the program's viewers. He responded, 'Well, I'd like to say that I'm an Australian and I'm not a terrorist.' No child in this country should feel that they are suspected of being a terrorist. This boy is just one of nearly half a million Muslim Australians. They are valued members of our community. They deserve the same respect and they are entitled to the same freedoms as every other Australian.

I reiterate Mr Shorten's comments in the other place:
We should never make the millions of Australians, or the people who have become Australians—people of every nation and every faith—feel less safe or less welcome. We will not overcome hatred with hatred, we will not overcome intolerance by being intolerant.

He went on to say that multiculturalism is one of the nation's greatest gifts.

In closing, I make the following observation. Australia should remain focused on its core objectives of protecting Iraqis from ISIL and ensuring that Australians fighting with ISIL are not a threat to Australia. The government should ensure that we continue to work with our coalition partners. It should encourage those partners from within the region to take as great a share of the responsibility as possible.

Australia is doing the right thing by supporting the Iraqi government. But any lasting solution to combat this threat and organisations like ISIL, will need to be driven by the government of Iraq and by other nations of the region. While it remains difficult to predict the future course of the conflict in Iraq, it is important for the people of Iraq and the security of that country and the neighbouring region, that IS be defeated.

The ADF is playing an important role in this mission, which we anticipate will bring about a safer and more inclusive Iraq. ADF personnel should know that they are carrying out their mission with the gratitude and support of the Australian people.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:43): I rise to take note of the Prime Minister's statement to the parliament today on national security. Australian troops have now been deployed to a new war in Iraq. Young men and women have been asked to put their lives on the line for this country. And at the very least, this parliament ought to be able to explain to them why we are doing it.

What is the purpose of this new war in Iraq? Why is it in Australia's best interests to participate in a military engagement in Iraq? For how many years will we be back in the Middle East? Will we be constrained to just being in Iraq, or will this blow over into Syria? What is the long-term plan?

There are no answers to these questions. All we have seen is mission creep. We had the Prime Minister commit Australia to following the United States into a new war in Iraq, blindly following the United States from day one. We were the first country there saying, 'We are with you with the bombing raids, we are the first country to do it,' with no defined objective and no defined statement of what success would look like.

The shift has been immense. First of all, we were going to Iraq to disrupt and destroy ISIL. We were going to destroy ISIL. That has now been changed. Since we have deployed our young men and women, we are now going to disrupt and degrade the ISIL movement. But everybody knows that you cannot disrupt and degrade ISIL if you are only in Iraq because they will retreat from Iraq and regroup in Syria. So you are buying into a conflict that includes at least Syria, if not more countries.

And exactly how are we going to look after our young men and women? Are they going to be like those troops that we committed to Iraq on the basis of a lie in 2003? Are they going to be like our returned soldiers from Afghanistan—many of whom are suffering from post-traumatic stress, not to mention the physical injuries that they incurred. Many of them would be asking the questions: was it worth? What was achieved? What was our long-term objective
in Afghanistan? Essentially, in the end the question was: how do we get out of there at any particular time? There was no defined objective.

My point to the parliament today is: what is the link between the Prime Minister's decision to return to war in Iraq and the increased terrorism threat in Australia? I would argue that there is an increased risk of terrorism in Australia because we have followed the United States back into Iraq. I say that based on previous investigations that have been made. Australia did not have an inquiry into why we went into Iraq in 2003. But our police commissioner in 2004, Mick Keelty, said:

… the US-led war in Iraq was a motivating factor for terrorists.

He was, at that time, shouted down by the government of the day and not allowed to continue to prosecute that. Since then the former Director General of MI5, Baroness Manningham-Buller, has said that Britain's involvement in Iraq had also radicalised some young people in Britain who saw its 'involvement in Iraq and in Afghanistan as being an attack upon Islam'. The former head of the Federal Police, Mick Keelty, to his credit, said that in Australia we needed:

… to ensure that the Islamic community was properly engaged and was not marginalised …

That was an incredibly important decision that he took as head of the police. He oversaw an arrangement whereby the Federal Police reached out to the communities in Australia to make people feel included, to have good lines of communication and to make sure that there was no marginalisation or victimisation.

What have we seen in Australia since our Prime Minister committed our troops to Iraq? I will tell you what we have seen. We have seen real victimisation of people just because they are Muslims. That is the fact of the matter. You can see that the word 'evil' has been put on mosques by those people out there who are seeking to cause harm. You see a senior cleric trying to leave the country to attend a religious event overseas only to be held at Sydney airport for a long time and miss his flight. As if that is not going to increase anger and frustration in those communities in Australia who are feeling like they are being victimised and blamed. Why is it that those communities feel like they have to keep on saying that they are not terrorists? We do not ask that of any other community in Australia, to come out and prove themselves time and time again. The fact is, if we want to make Australia safer the best thing to do is to bring all Australians together and not follow the United States into an unwinnable conflict in the Middle East.

We need to make sure that the new Iraqi government is inclusive. We need to de-escalate the sectarian tensions while at the same time make our own community more inclusive. We need to think about tolerance in Australian society. We need to make sure that the people who have broken the law actually face the full force of the law as they deserve to be punished—of course we agree with that—but we do not want fear to take over in this country. I wonder if the people listening felt safer two weeks ago than they feel now. I would argue that there is a sense of fear and anxiety throughout the Australian community because the Prime Minister committed us to a new war in Iraq. The consequence is the radicalisation of people who see the West once more engaged in a war in the Middle East.

I make this point about Syria: anyone who thinks that there is a defined mission in Iraq is quite wrong. The Leader of the Government in the Senate's inability to respond to me today
on what Australia will do in relation to Syria makes that point. We have armed militias in Syria. There are people in the Free Syrian Army who have now joined ISIL. There are all kinds of militias who are stealing the weapons of other militias, and frequently they are weapons that have been provided by the United States at other particular times. This is going to be long and horrendous and there is still no statement from the government as to why we are there or how it is in Australia’s best interest to be involved with the United States in Iraq without a plan.

I was surprised to hear the Leader of the Opposition in the Senate, Senator Wong, referring to Mr Shorten’s remarks saying that there was a clearly defined objective. There is no clearly defined objective. We have seen mission creep from the start, from what were humanitarian drops of aid, which then became weapons that were being taken in by aircraft and then we got to the deployment of the Super Hornets and the SAS. Far from no boots on the ground, Australian boots are on the ground in Iraq. And far from being humanitarian we are now involved in a war. I do not think that it is reasonable to say to Australians that we are now less vulnerable to terrorism than we were before the Prime Minister committed us to war. That does not make sense.

What we need to do is to recognise that Australia needs to have an independent foreign policy. We need to look at what is in our own best interests, we need to bring our community together at this time and we need to ask the serious questions, and not be silenced by a government and opposition that are choosing to take the same position and to deny the Australian people straight answers to what actually is the end objective of our involvement in a new war in Iraq.

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (15:53): I rise to speak to the motion before the Senate regarding the Prime Minister’s statement on national security and the overseas deployment—again—of members of the Australian Defence force to fight the sharia extremists in the Middle East.

On behalf of the Tasmanian people I acknowledge the bravery, commitment, decency, humanity and professionalism of the Australian forces deployed by this government to fight in Iraq and other Middle East countries. I also acknowledge the courage, love and support those back home have for the troops—the Defence families who wait and pray for the safe return their fathers, sisters, brothers and mothers. They all represent everything good about the Australian people. And as much as they represent the good, the sharia foe stands for pure evil.

Despite the horrific images and evidence of the evil of these sharia extremists which flood our televisions and computer screens there are still those in our community who are innocent to the sharia supporters’ intent, motives, capability and threat. There are still those in our communities who do not realise that these thugs and extremists will not stop their acts of terrorism and depravity until their way of life, their culture and their law is imposed on Australia—indeed, on the whole world. There are still those in our community who think they can negotiate peace with these monsters and agree to some of their law and customs.

It is about time we faced the fact that these maniacs and depraved humans will not stop committing their cold-blooded butchery and rapes until every woman in Australia wears a burqa and is subservient to men. These depraved sharia law supporters will not stop until all Australians worship the same way as they do. These thugs will not stop their killing until we
bow down before their religious leaders, who will tell us how to live our lives and conduct our business.

Australia is a secular society where we have a clear separation between church and state. There is no religion or religious leader in Australia, or outside Australia, who has the right to implement law. It is unconstitutional and it is for the protection of all Australians that this is the case. Indeed, if any law other than Australian law were recognised or followed—either formally or informally—it would clearly show divided loyalties to our nation and its constitution. And yet we still have Australian citizens who continue to protest, advocate and push to allow a form of sharia law or cultural practice in our country.

It is now time to get rid of this sharia rubbish in Australia. If we are going to send our forces overseas to battle against these fanatical sharia supporters then we also need to get rid of them and their associates on home soil. 'Clean up the rubbish in your own back yard, before you try to clean up the rubbish in others,' is the advice my grandmother gave, and advice we should now follow. We do not want our troops putting their lives on the line overseas only to come back home and find that our government have sold out to the Australian sharia supporters.

I have been criticised by some because I could not properly define what sharia law is. Mr Acting Deputy President, it is not going to come as a shock when I tell you that I am not an Islamic scholar. However I will tell you what I do know about the supporters of sharia. Every major terrorist attack on Western world citizens and Australian citizens—9/11, the Bali bombings, the Boston marathon bombings, recent beheadings and massacres—have all been carried out by supporters of sharia law. If people want more detail on this law, my advice is to google 'sharia'. But be careful: you will see shocking images from overseas, which I do not want repeated in our beautiful nation.

Essentially sharia law is a law made up by men who hate women: it takes away women's rights, attacks equality and treats them like slaves and second-class citizens. Sharia law forces women to wear clothing which covers their face and body, on threat of being beaten or killed. Any form of sharia law in Australia, no matter how small or benign, will mean church and state are no longer separated. Overseas experience shows that under sharia law, religious freedom would be destroyed while an extremist monoculture is established. It will also mean that the death penalty will be imposed on people who criticise or reject the state's official religion and women who are found guilty of adultery. Torture and body mutilation—limb removal—will be state sanctioned for those found guilty of stealing.

Sharia law makes it okay for girls to be denied the same education rights as males and prohibits women from driving. Sharia law makes sport and music illegal. Sharia law makes it okay for the state to kill anyone who disagrees with religious leaders' beliefs and their teachings. It makes it okay for the state to mutilate and torture people who are found guilty of minor crimes like stealing. Sharia law allows men to have four wives—polygamy is unlawful in Australian and should always be unlawful. Sharia law allows men to divorce their wives by saying 'I divorce you' three times—that is not bloody Australian! Sharia law forbids interest on money lending—shall we change the banking industry? Sharia law allows for, and fails to criminalise, the barbaric custom of female genital mutilation.

Each member of this parliament knows the truth in the words I have spoken. Why have those members of this parliament who have put themselves out as the champions of women's
rights not supported my call to rid Australia of this evil sharia influence? Why have they turned a blind eye to the sharia atrocities committed on our own home soil?

It is clear there is one question every citizen and politician must answer: do you support sharia law or the people who follow it? If you do support sharia law, then I will say it, and I will continue to say it: get out of Australia! If you oppose it, then welcome.

In closing, I once again call on this Abbott Liberal government to guarantee that this government will properly care for our war veterans on their safe return. The outrageous Australian veteran suicide rate of 30 or more veterans a year for the last decade shows that this Liberal, and also the previous Labor-Green government, have failed to care properly for our veterans after their discharge from our military.

Our veterans should not have to fight the DVA to obtain a gold card. That fight causes more harm, which is unnecessary. That fight causes our veterans to say, 'I'd rather face the Taliban. I'd rather face Australia's enemies, than have to fight with the Department of Veterans' Affairs.' This is a disgusting state of affairs, when it would be cost-neutral or would save Australian taxpayers' money if members of our ADF who were put in harm's way overseas automatically qualified for a gold card. That would be a pretty simple procedure. The industry of doctors and lawyers who assess our veteran's claims for a gold card would not be needed. We would save billions in fees and dozens of veterans' lives each year if the Australian government made, as a right of service, the issue of a gold card to members of the ADF who have served in combat or peace-keeping roles upon their discharge.

If we cannot afford that cost, then do not bloody send them to war in the first place! Do not send them to war! And this is the point I will end on: every government must detail and explain to the Australian public the true cost of war before sending our men and women into harm's way. Sending men and women to war, as many veterans have told me, is more than the cost of just bullets and blankets. And this government has been caught out trying to hide the true cost of war. Perhaps that is why they have used weasel words in trying to describe the action of sending our troops into harm's way.

Mr Abbott and the defence minister should be honest and, like other countries in the western alliance, declare war. Yes, that is right—say the word—'we declare war on the sharia supporters and extremists.' The only reason this government has failed to declare war officially is to try to save money and to deny our troops their full entitlements and care when they return home.

Last, but certainly not least, I pray for the safe return of all the members of our military and salute them and their families' service for this country.

The DEPUTY PRESIDENT: The question is that the motion moved by Senator Abetz be agreed to.

Question agreed to.

PETITIONS

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

Point Peron

To the Federal Senate:
We, the residents of Western Australia, are opposed to the Mangles Bay Marina Tourist Precinct proposal at Point Peron ('the Proposal') by Cedar Woods and Landcorp to take 77 hectares of public land in the Rockingham Lakes Regional Park ('the Land') and use it for private canal housing, marina and commercial development. We reject the Proposal for the following reasons:

1. The Land was transferred from the Commonwealth to the State of Western Australia in 1964 subject to its future use 'being restricted to a reserve for Recreation and/or Park Lands'.
2. The Land includes 38 hectares of 'Bush Forever' which would be destroyed, causing loss of habitat, restrictions on public access and permanently damaging cultural and social elements of Point Peron.
3. The Proposal will threaten the ecological stability of nearby Lake Richmond and put groundwater, seagrass meadows, marine water quality, numerous state and federally listed threatened species including the precious thrombolite community at risk.
4. Canal developments of this type are outdated and have been banned in two states due to their unacceptable environmental impact and ongoing maintenance issues.
5. There is already an approved marina site for Rockingham.
6. The Proposal has no social license, with 10,000 local residents having signed petitions against the Proposal.
7. Constructing an artificial inland canal system would require ongoing maintenance at high cost to taxpayers.
8. The Proposal would deprive Western Australians of the opportunity to develop a world-class coastal conservation and recreation park that would provide social, health and tourism benefits for both the Rockingham community and Perth's expanding population.
9. The Proposal has been approved before the completion of the Strategic Environmental Assessment of Perth and Peel.

Your petitioners ask that the Senate recommend the 1964 Agreement between the state and commonwealth be upheld, the Proposal be rejected outright, and the Land at Point Peron be vested in the National Estate.

By Senator Ludlam (From 520 citizens).

Petition received.

NOTICES

Presentation

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

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

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

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

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

Senator Marshall to move:
That the proposed amendments of standing orders contained in Appendix 1 of the Procedure Committee’s Third report of 2014 in relation to the following matters:
(a) consolidation of opportunities for tabling and considering documents;
(b) consolidation of opportunities for tabling and considering committee reports;
(c) streamlined procedures for routine extensions of time for committees to report;
(d) streamlined procedures for authorising committees to meet during the sitting of the Senate;
(e) proposals under standing order 75 on Thursdays;
(f) changes to the adjournment debate; and
(g) Senators’ statements on Wednesdays at 12.45 pm;
operate as temporary orders until 30 June 2015, with effect from 30 September 2014:

Proposed amendments of standing orders contained in Appendix 1 of the Procedure Committee’s Third report of 2014

(1) Consolidation of opportunities for tabling and considering documents—standing order 61
Omit paragraph (1), substitute:

(1)(a) On Monday, Tuesday and Wednesday, documents presented by the President or by a minister shall be considered pursuant to this standing order at the time provided.

(b) Immediately after prayers on any day when consideration of documents occurs, the President or a minister may present documents by handing them to the Clerk without any announcement to the Senate, and the presentation of such documents shall be reported to the Senate by the President when the consideration of documents is called on under this standing order.

(c) Documents presented on Monday and not called on on Monday may be considered on Tuesday after the documents presented on that day, and documents presented on Monday and Tuesday and not called on on either day may be considered on Wednesday after documents presented on that day.

(2) Consolidation of opportunities for tabling and considering committee reports—standing order 62 and 38
Standing order 62, omit paragraph (4), substitute:

(4)(a) If a committee report or government response to a report is presented at the time provided on Tuesday, Wednesday or Thursday, a motion may be moved relating to the report or response.
(b) A senator speaking to such a motion shall not speak for more than 10 minutes, and debate on all such motions shall not exceed 60 minutes.

(c) If a debate is not concluded at the expiration of that time the debate shall be made an order of the day for Thursday at the time for consideration of committee reports and government responses.

Standing order 38, omit paragraph (7), substitute:

(7) If the Senate is not sitting when a committee has prepared a report for presentation, the committee may provide the report to the President or, if the President is unable to act, to the Deputy President, or, if the Deputy President is unavailable, to any one of the Temporary Chairs of Committees, and, on the provision of the report:

(a) the report shall be deemed to have been presented to the Senate;
(b) the publication of the report is authorised by this standing order;
(c) the President, the Deputy President, or the Temporary Chair of Committees, as the case may be, may give directions for the printing and circulation of the report; and
(d) the presentation of the report shall be recorded in the Journals of the Senate for the next sitting; and
(e) the report may be considered under standing order 62(4) at the next available opportunity after any reports presented that day.

(3) Consequential amendments in relation to documents and committee reports

(a) Standing order 57(1), in relation to documents

On Monday, Tuesday and Wednesday, after Any proposal to debate a matter of public importance or urgency, insert:
Consideration of documents under standing order 61 for up to 30 minutes
On Tuesday and Wednesday, omit:
At 6.50 pm, consideration of government documents for up to 30 minutes under standing order 61.

(b) Standing order 57(1), in relation to committee reports

On Tuesday, after Consideration of documents under standing order 61 for up to 30 minutes, insert:
Consideration of committee reports under standing order 62(4) for up to 60 minutes
On Thursday, after Discovery of formal business, omit:
Consideration of committee reports under standing order 62(4)
On Thursday, after Motions to take note of answers, insert:
Consideration of committee reports under standing order 62(4) for up to 60 minutes

(c) Standing order 169, in relation to motions after tabling

Omit paragraph (2), substitute:

(2) Where a motion is moved by leave in relation to a document or committee report presented to the Senate, including a document or committee report presented to the President when the Senate is not sitting, a senator speaking to such a motion shall not speak for more than the time provided for a document or committee report under standing order 61 or 62, as the case requires, and debate on the motion shall not exceed a multiple of three times the applicable speaking time limit; where 2 or more such motions are moved in succession, debate on all motions shall not exceed a multiple of six times the applicable speaking time limit.

(4) Streamlined procedure for routine extension of time for a committee to report—standing order 67

Omit the standing order, substitute:
A senator, including a committee chair, who wishes to postpone a notice or order of the day of which the senator (or the committee) is in charge shall, before the time for postponement of business, deliver to the Clerk written notification of the postponement. At that time the Clerk shall read a list of such items, and they shall then be taken to be postponed accordingly, but, at the request of any senator, the question for the postponement of an item shall be put to the Senate for determination without amendment or debate.

This standing order does not apply to an order of the day for the presentation of a report of a select committee.

(5) Streamlined procedure for authorising committees to meet during the sitting of the Senate—standing order 33

At the end of standing order 33, add:

(5) For the purpose of paragraph (3), a committee that seeks to meet contrary to this standing order may deliver a notice in writing to the Clerk, signed by the chair of the committee, setting out the particulars of the meeting proposed to be held. Immediately after prayers on any day, the Clerk shall read a list of such proposals and they shall be taken to be approved accordingly but, at the request of any senator, the question for authorisation of a particular meeting contrary to this standing order shall be put to the Senate for determination without amendment or debate.

(6) MPI on Thursday—standing order 57

Standing order 57(1), Thursday, omit “Any proposal to debate a matter of public importance or urgency”.

(7) Adjournment—standing order 54

Omit paragraphs (5) and (6), substitute:

(5) On Monday and Wednesday debate on the question for the adjournment shall not exceed 40 minutes, and a senator shall not speak to that question for more than 10 minutes. On Tuesday at the expiration of 2 hours and 10 minutes, on Thursday at the conclusion of debate, and on other days at the expiration of 40 minutes, at the conclusion of debate, or at the time specified for adjournment, whichever is the earlier, or if there is no debate, the President shall adjourn the Senate without putting the question.

(5A) On the question for the adjournment of the Senate on Tuesday, a senator shall speak to that question for not more than 5 minutes, but if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes.

(6) On the question for the adjournment of the Senate on Thursday, a senator shall speak to that question for not more than 5 minutes, except in accordance with the following paragraphs:

(a) if no other senator wishes to speak for up to 5 minutes, a senator who has not already spoken may speak for up to 10 minutes; and

(b) if no other senator wishes to speak under paragraph (a), a senator who has not already spoken may speak for up to 20 minutes.

(8) Consequential amendments in relation to the adjournment

(a) Standing order 55

Omit paragraph (1), substitute:

(1) The days and times of meeting of the Senate in each sitting week shall be:

- Monday 12.30 pm—6.30 pm, 7.30 pm—10.30 pm
- Tuesday 12.30 pm—9.30 pm
- Wednesday 9.30 am—8 pm
Thursday 9.30 am—adjournment.
(*)note that under another temporary order, this time has been changed to 10 am)
(b) Standing order 57(1)
On Tuesday, insert “At 9.30 pm,” before “adjournment”.
On Thursday, omit “At 8.40 pm, adjournment”, substitute “Adjournment”.
(9) Senators’ statements—standing order 57
   Omit paragraph (2), substitute:
   (2) On Wednesday, at 12.45 pm till 2 pm senators may make statements without any question before
   the chair, provided that a senator shall not speak for more than 10 minutes, and if a division is called
   for, the division shall be taken at a later hour of the day, not being earlier than 2 pm.
   Senator Marshall to move:
   That the order of the Senate of 21 March 2002 relating to photographs in the Senate chamber cease
   to have effect on and from 30 September 2014.
   Senator Marshall to move:
   That paragraph (1) of the order of the Senate of 18 May 1993 relating to the provision of seating on
   the floor of the Senate for members of the House of Representatives be amended by omitting, “in front
   of the broadcasting booth”.
   Senator Hanson-Young to move:
   That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958 in relation
   to the annual humanitarian visa intake, and for related purposes. Migration Amendment (Humanitarian
   Visa Intake) Bill 2014.
   Senator Siewert to move:
   That the Senate—
   (a) notes:
      (i) the arrival of Ms Libby Day at Parliament House on 22 September 2014, after cycling more than
          800 kilometres from Melbourne in eight and a half days to raise money for dementia research,
      (ii) that 21 September 2014 marked World Alzheimer’s Day 2014,
      (iii) that September 2014 is Dementia Awareness Month, and
      (iv) that 332 000 Australians are currently affected by dementia; and
   (b) urges federal, state, territory and local governments to work to support efforts to build more
   dementia-friendly communities and foster inclusion and participation for those people affected by
   dementia.
   Senator Waters to move:
   That the Senate—
   (a) notes that:
      (i) at four minutes to midnight, at 11.56 pm on Tuesday, 9 September 2014, the Queensland
          Government moved a last minute amendment to the Mineral and Energy Resources (Common
          Provisions) Bill 2014 (Qld) which removed the legal right for anyone to object to massive coal and
          uranium mines in Queensland on environmental grounds,
      (ii) the bill was passed by the Queensland Parliament one minute later, at 11.57 pm,
      (iii) before being introduced, that last minute amendment had never been publicly announced, and
(iv) as a result of the last minute amendment no one, including landholders, neighbours or local
councils will be able to object to the environmental effects of ‘coordinated projects’ which are the
biggest mining projects in Queensland; and
(b) calls on the Queensland Government to restore Queenslanders’ rights by repealing all offending
parts of the Mineral and Energy Resources (Common Provisions) Bill 2014 (Qld).

BUSINESS

Consideration of Legislation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and
Assistant Minister for Social Services) (16:03): I move:

That the following general business orders of the day be considered on Thursday, 25 September
2014 under the temporary order relating to the consideration of private senators’ bills:
No. 7 Fair Trade (Australian Standards) Bill 2013.
No. 2 Health Insurance Amendment (Medicare Funding for Certain Types of Abortion) Bill 2013.

Question agreed to.

Leave of Absence

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (16:04): by
leave—I move:

That leave of absence be granted to the following senators:
(a) Senator Johnston, from 22 September to 25 September 2014, on account of ministerial business;
(b) Senator Fawcett, for today, for personal reasons; and
(c) Senator Sinodinos, for today, for personal reasons.

Question agreed to.

Leave of Absence

Senator McEWEN (South Australia—Opposition Whip in the Senate) (16:04): by
leave—I move:

That leave of absence for parliamentary duties be granted to the following three senators:
(a) Senator Conroy, for today, 22 September 2014;
(b) Senator Singh, for 22 September to 25 September 2014; and
(c) Senator Peris, for 24 September and 25 September 2014, for personal reasons.

Question agreed to.

Withdrawal

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:05): I withdraw notice
of motion No. 426 standing in the name of Senator Whish-Wilson.

COMMITTEES

Foreign Affairs, Defence and Trade Joint Committee

Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (16:05): by
leave—I move:
That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate today, from 5.30 pm to 6.30 pm.

Question agreed to.

**BUSINESS**

**Rearrangement**

The Clerk: Postponement notifications have been lodged in respect of business of the Senate no. 1 to 24 September and business of the Senate no. 2 to 23 September and general business notice of motion no. 384 to 25 September.

**MOTIONS**

**Kehazaei, Mr Hamid**

Senator HANSON-YOUNG (South Australia) (16:06): I seek leave to amend general business notice of motion No. 427 standing in my name today related to Mr Hamid Kehazaei.

Leave granted.

Senator HANSON-YOUNG: I move the motion as amended:

That the Senate—

requests that the Minister representing the Minister for Immigration and Border Protection provide the chamber with an update on the events that led to the death of Iranian refugee, Mr Hamid Kehazaei.

Question agreed to.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: I make a statement on behalf of Senator Cash. Hamid Kehazaei passed away on Friday, 5 September. An imam was present at the time of death, and the government of Iran has been informed. As stated by Minister Morrison, the Australian government extends our deepest sympathies to the man's family and friends. Mr Kehazaei was transferred to Australia from Port Moresby on 27 August following medical advice regarding his deteriorating health. I can advise that the chief medical officer of the Department of Immigration and Border Protection is conducting an in-depth clinical review of the background to the transferee's medical condition and care while at the Manus offshore processing centre. The department will consider what additional appropriate assistance it can reasonably provide to the family, should this be required. Criticisms regarding the circumstances of the death to date are not based on any primary knowledge of the event or circumstances, and such commentary is unhelpful.

**MATTERS OF URGENCY**

**Climate Change**

The DEPUTY PRESIDENT (16:09): I inform the Senate that the President has received the following letter from Senator Siewert:

Pursuant to standing order 75, I give notice that today I propose to move that, in the opinion of the Senate, the following is a matter of urgency:

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CHAMBER
"The need for the Prime minister to attend the United Nations Climate Summit 2014, and to recognise that Australia's emissions reduction target is inadequate."

Is the proposal supported?

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

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

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:09): I move:

That, in the opinion of the Senate, the following is a matter of urgency:

"The need for the Prime minister to attend the United Nations Climate Summit 2014, and to recognise that Australia's emissions reduction target is inadequate."

As we stand here, in New York today it has been estimated that 400,000 people have been marching for action not words on addressing the real crisis that is facing humanity, and that is global warming. People from right around the world have marched in the last 24 hours. It has been amazing to see the kinds of outpourings from everywhere. There were 40,000 in London and 30,000 in Melbourne. There were marches in Delhi, Rio, Paris, Barcelona, Jakarta and the Pacific Islands—right around the world—with people from different races, religions, backgrounds, countries and ages. We even had a beekeeper in Bulgaria standing up with his sign 'Action not words', with his bees. We had small children in Dakar posting, saying they wanted action on climate change.

All over the world, people are recognising that we are on a trajectory of four degrees of global warming. That is an unlivable planet—an unlivable planet. And that is something we need to consider.

We have a Prime Minister who is in Australia today, and who made his statement to the House of Representatives on a national security matter. The overwhelming emergency of the time is the global warming challenge. Of course we have to take on matters of national security, but national security now needs to be expanded to include the ramifications of the crop failures, the species losses and the deaths that are going to come from extreme weather events, from bushfires, from catastrophic heatwaves, and from the spread of diseases and invasive species. We are already seeing the impact. We are seeing it in Antarctica and in the Arctic. We are seeing the acidification of the oceans. We are seeing sea-level rise. In the lead-up to Ban Ki-moon's summit in New York, there have been endless reports coming out talking about just how serious matters really are.

As a result of that, people are taking this on. They are not only installing renewable energy, putting photovoltaics on their roofs, and engaging in energy efficiency. They are taking to cycleways. They want more public transport. They want to actually get emissions down, because it is healthier and of course it is the security of the planet that we are talking about, and people's lives into the future.

Divestment has now become extremely important. Just today, the heirs of the Rockefeller oil fortune announced, after the New York march, that their $860 million philanthropic fund was now going to divest from fossil fuels, and that follows on from Sydney university a matter of a week or so ago, and the Uniting Church in Australia. There is now growing
support for getting out of fossil fuels. Not only that, but China has now capped the quality and the quantity of the coal that it will import.

It is now time for Australia to get with it. The Prime Minister is shaming us by his refusal to attend the leaders’ summit in New York. He is going to be there the day after, for a meeting of the Security Council with regard to Iraq and Syria. He should have gone a day earlier so that he could attend. The reason he has not is that he cannot justify the pathetic emissions reduction target of five per cent on 2000 levels by 2020. It is disgraceful. It is even more disgraceful since it is becoming easier by the minute to achieve because, with the slowdown in our economy and the closure of some of our more polluting factories, the task is much easier. It has gone right down from something like 750 million tonnes to around 400 now. So it is easier. We could be going at it in a much more ambitious way than we are.

It is disgraceful that he is not going to be in New York at the summit. It is disgraceful that he is sending the Minister for Foreign Affairs, Julie Bishop, from one of the highest per capita polluting nations on the planet, one of the richest and most able countries to act on this. We already have something like 9,000 megawatts—too much coal fired power. We could shut it down tomorrow. A couple of those power stations could go. It would make a big difference. We could be saying: ‘No more coal in the Galilee and Bowen basins. No more CSG.’ We could be out there actually doing something and saving our forests at the same time. Instead of that we are prepared to drive the fossil fuel industry to the detriment of the planet, and it is disgraceful.

But let us get to what Australia is going to have to face up to. We have been asked to make a much more ambitious contribution to keeping Australia to a contribution that will secure global warming to less than two degrees. Mr Hockey has been out talking about the G20. He failed to point out to Australians that in the G20 mandate they have said they want to keep global warming to less than two degrees and they believe that a carbon price is the way to do it. We have not heard anything from Mr Hockey about that out of the G20.

We need to make sure that we keep faith with our Pacific Island neighbours as well. They have made the point in the last 24 hours and said:

'We were one of the campaigners for Australia to be on the Security Council, we bought along many of our bodies to do that, on the understanding that Australia-Pacific islands relationship is close, not subject to the whims of one or two politicians from time to time, it is based on stability and long-term relations, so this is very disappointing for us, [that you would] come and be friendly when you want to be on the Security Council, but after you do that, you do your own thing.'

He said that ‘betrayal’ was too strong a word to use for now, ‘but it may not be soon’. That is exactly how the Pacific islands feel about Australia betraying the planet in doing what it should do on global warming.

By 31 March next year, Australia has to put on the table what our post-2020 emissions reduction target is going to be. The Climate Change Authority said very clearly that we need a 40 to 60 per cent reduction in emissions by 2030. That is what the Greens say we should be going for as well—net carbon zero by 2050. That will mean a massive shift in our economy and it will mean massive opportunities in terms of investment, jobs, R&D and a whole range of things.

But the question for the government is: what is your process for determining what the emissions reduction target should be? Under the clean energy package, we legislated to set up
the Climate Change Authority and to have them assess the level of the target that is necessary and recommend that to the parliament. The government have no process. What is your process? You cannot seriously stand up in front of the world and say that five per cent is enough and try to pretend that a $2½ billion Emissions Reduction Fund is going to cut it. Nobody will believe you. The Australian community have made it very clear at the marches over the last 24 hours that people want answers. They want action. They do not want any more of the waffle and the climate denial that actually demonstrates what the government thinks. I was interested that Senator Ryan retweeted the march in Adelaide. I thought that perhaps he has had a change of heart, that perhaps he now supports climate action.

Senator Ryan: I didn't realise I had a fake account.

Senator MILNE: Maybe it was a fake account. I apologise if it was a fake account. I was momentarily distracted, Senator. I will apologise if that is the case. Around Australia, people want serious action on global warming. They want Australia to stand up. The very future of our generation and generations to follow depend on us doing this in a timely manner. We are running out of time. Before 2020, global emissions have to peak and start to come down or we will go beyond tipping points. We cannot risk doing that.

Time and tide wait for no man, including our Prime Minister. Global warming is accelerating. It needs action. The government need to tell us what is going to be our emissions reduction target up to 2020 and then post 2020. The world is going to ask for that. The Australian community deserve to hear it first.

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:19): There are some who come to this place and make constructive contributions that add to global discussions that are taking place and ensure that Australia is well positioned in those discussions to put our national interest forward, that we take a strong stance going into them and that we have all aspects of those global discussions properly considered and properly undertaken. Then, of course, we have carping and whining and otherwise from the Greens, who come in here and try to make a political statement about who is representing the Australian government at such a conference and try to make a political point about whether the Prime Minister is there or not, about who the face of Australia is.

The Australian government have taken our representation at this conference extremely seriously. The Minister for Foreign Affairs, who is charged as part as part of her portfolio responsibilities with international climate change negotiations, is rightly our representative at this conference. From the way the Greens were talking, you would think that we were the only country on earth not to be sending their head of government, that foreign minister Julie Bishop was going to find herself completely at odds in the gathering taking place. That is far from the case. Also not present, other than our Prime Minister Tony Abbott, is: the Chinese President Xi Jinping; the Indian Prime Minister, Prime Minister Modi; the Russian President, President Putin; the German Chancellor, Chancellor Merkel; the Canadian Prime Minister, Prime Minister Harper; the New Zealand Prime Minister, Prime Minister Key; and at least a couple of dozen others if not more.

We are doing the right thing by ensuring we are appropriately represented and that Australia's position is appropriately put at this conference by foreign minister Julie Bishop, who is the person with the responsibility for it. Prime Minister Abbott cannot be in all places at once. I am sure it has not escaped even the Greens' attention that parliament is sitting this
week. The Prime Minister has to work out how much time he is in parliament and how much time he devotes to international meetings. It is right, fit and proper that Minister Bishop be the person attending and representing Australia at this conference later this week.

At this climate summit, Minister Bishop will rightly highlight Australia's commitment to our 2020 target of reducing emissions to five per cent below 2000 levels. It is a bipartisan target. It has not changed one jot since the change of government last year. The five per cent target is equivalent to a reduction of some 22 per cent against the business-as-usual emission levels that would have been reached by 2020. It is a significant target. We are working to ensure it is met. As we said prior to the last election, in 2015 we will work through the proper processes of reviewing future targets post 2020. We will go through that in a careful, methodical manner. We will engage appropriately in international fora, based on the types of frameworks that are discussed through those fora.

I look forward to hearing from Senators Cameron and Urquhart, who I gather are participating in this debate, whether the opposition's policy in relation to targets has changed at all. Is it still the opposition's policy to stand by the target of a five per cent reduction by 2020? Does the opposition already have a post-2020 policy in relation to targets or do we still stand as one in relation to what the targets are?

Minister Bishop will highlight the action that our government is taking through the $2.55 billion Emissions Reduction Fund to ensure we meet that target and to ensure we do, as indeed Australia did in relation to the targets under the Kyoto Protocol, meet the targets that we commit to. It would be nice if, in implementing that policy, some of those who come into this chamber and spend a lot of time talking about climate change issues actually allowed us to put in place all of the measures required to ensure the successful implementation of that policy.

Legislation is before this parliament that can expand the terms and operations of the Carbon Farming Initiative to ensure other means and opportunities for abatement are captured successfully by the Emissions Reduction Fund. It is important that that gets passed. I would urge the other parties in the chamber to give consideration to supporting that so we can see real action to meet our targets, to reduce emissions levels, to achieve abatement and to do so without the types of punitive measures we have seen in the past. There are others—and I am sure will probably hear this from others in this discussion today—who suggest that the Emissions Reduction Fund and the Direct Action policy this government is pursuing is allegedly out of step with the rest of the world. That again is a falsehood, just as the claim that somehow Australia will be isolated in not having our head of government at the climate summit was a falsehood.

It is also a falsehood to say there are no other countries actively pursuing direct action. Direct abatement purchasing, similar to what is proposed under the Emissions Reduction Fund, occurs as part of Norway's Carbon Procurement Facility, Japan's Joint Crediting Mechanism and the United Nations Clean Development Mechanism. Energy efficiency measures, such as energy intensity and efficiency target schemes—the types of measures that could well be accredited under the Emissions Reduction Fund—operate in countries such as China, India, Indonesia, Japan, South Africa, Mexico, Russia, New Zealand, Thailand, Turkey and many states of the United States. Various measures in agriculture, forestry and the land sectors are applied across significant forestry countries. Through the preparatory work for the
global rainforest summit that will sit alongside the World Parks Congress later this year in Australia, we are working to enhance global efforts relating to deforestation. So there are a range of direct action measures occurring across many other countries of the world to bring about abatement opportunities and to ensure that they are achieved.

It is absolutely the commitment of this government that, with other countries of the world, we will work through a new global climate change agreement that we hope will establish a common playing field for all countries to take climate action beyond 2020. It has been a problem in the post-Kyoto framework that the talks that were held in Copenhagen, several years back now, collapsed and left the world without a clear framework for dealing with climate change. It is absolutely a problem. Perhaps it is notable that Australia's then Prime Minister did attend the Copenhagen talks—and that did not exactly help get a better outcome. We will work with other countries to try to ensure that we have a framework in place that creates a level playing field for all countries to make commitments and to stand by those commitments—to see those commitments honoured.

Australia has been, and will continue to be, a good international citizen in this space. Where we make commitments, we will deliver on policies that see them through. When a commitment was made around Kyoto, notwithstanding debates about full ratification, successive governments ensured that those targets were met. The commitment made, the bipartisan commitment to the unconditional five per cent reduction by 2020, is one that has stood in a bipartisan manner. As far as I am aware, it is still a bipartisan commitment and it is one that we will ensure is delivered by 2020. As we enter into these discussions and seek to ensure there is that common playing field under which countries can make post-2020 commitments, you can have confidence that this government, when it makes a commitment in those fora, will stand by that commitment and will deliver the policies to ensure that we meet it in future as well. I look forward to hearing in the debate whether the Labor Party's targets have changed at all.

Senator CAMERON (New South Wales) (16:29): I always have a bit of a wry smile when I hear a coalition member talking about delivering on commitments. I think anyone who has seen this budget knows that this is not a government that delivers on its commitments. This is not a government that can be trusted. This is not a government that you can listen to and take anything away from what they say. When you hear Senator Birmingham talking about delivering on commitments, the first thing you have to ask yourself is: what is this government's form, what is this government's history on delivering on commitments? We all know what it is. It is a government which made commitments prior to the election and did not deliver, which engaged in all of the fear campaigns that they could muster on a range of policy issues and have not delivered on one of the biggest economic issues facing this country—that is, the economic issue about ensuring that children in the future will be brought up and live on a planet which is not choking on carbon emissions. That is the bottom line here. Yet we have a federal government which went to the last election with a policy called the Direct Action Plan. Senator Birmingham waxed lyrical about it. Senator Birmingham knows fine well that direct action was put in there to give the then Abbott opposition a fig leaf to say that they were doing something about climate change. Do not take my word for it; take the word of the now Minister for Communications, Malcolm Turnbull, who said that this
policy was a fig leaf and who also said that the best thing about the policy was that you could get rid of it quickly.

So this direct action policy, which the coalition say is going to help reduce emissions, has been roundly criticised by scientists, criticised by environmentalists, it has been under critique by the CSIRO and it has been under critique by the Bureau of Meteorology. They all know that it will not work. No wonder the Prime Minister does not go to the UN Climate Summit—because he would have to be facing reality, he would be mugged by reality. And for our Prime Minister, who said that climate change was crap, it would have to be in a forum looking at the science on climate change, at what climate change is actually doing to the planet.

That is why Labor, when we were in government, said that we had to do something about this. We took advice, which was to put a price on carbon as being the cheapest, most effective way of dealing with carbon pollution. What does direct action do? Direct action actually pays the polluters. Instead of the polluters having to pay for polluting, we, the public, the taxpayers of this country, under the coalition policy, will be paying the biggest polluters to try to stop polluting. We will be paying. It is an absolute nonsense. Everywhere else around the world people are coming to grips with dealing with carbon pollution. People are accepting the views of scientists around the world. They are saying that there is a huge problem. You can come here and argue about how great economic managers you are. I do not believe for a minute that the coalition are good economic managers. They are not good economic managers. They never have been, even under Howard and Costello. They left us with a structural deficit.

*Government senators interjecting—*

**Senator CAMERON:** I will tell you what we have now. We have the biggest, most important issue facing the world—that is, to make the world a place where in future kids can grow up enjoying the same climate that we have, where they can enjoy the capacity to work, to live and to play on a planet that is not polluted by carbon. No wonder the two carbon deniers across there are going on like chooks with their heads cut off. They do not understand the science. They do not want to understand the science. They do not care about the science. They would back the National Party in when they run an argument that you would end up with a $100 lamb roast. You put a price on carbon and they say your lamb roast would cost $100. We know that is nonsense, but that is the misinformation and the lies that this government is so good at, out there trying to run their arguments about why you should not have a price on carbon. I want a price on carbon because that is what the UN is saying we need. It is not just the UN. Business around the world is saying, 'We need a price on carbon. My first introduction to needing a price on carbon was—

**Senator O'Sullivan:** Jobs!

**Senator CAMERON:** Senator O'Sullivan, when you get a price on carbon you can create the jobs of the future. That is the issue. I first came across this it might have been 15 years ago with the president of Ford Europe. When I went to Europe Ford was saying, 'We need to deal with this; this is a real issue, a live issue. Carbon pollution is causing problems and we as a company will have to deal with it.' They were talking about magnesium bodies on cars, aluminium bodies on cars, reducing the weight of cars and different engine blocks. They were talking about diesel instead of fuel. They were looking at electric cars. What could they do? These are the people who are actually out there creating jobs and employing people around...
the world. They said, 'We need to do something about it.' Big business was saying we need to do something about it.

The reason we are not doing something about it here is that the coalition are beholden to the mining industry.

 Senator O'Sullivan: Nonsense!

 Senator CAMERON: Senator O'Sullivan says nonsense. You have only got to look at what the mining industry say they want and then you will see the coalition deliver. The mining industry says, 'Jump'; the coalition asks, 'How high?'

In New South Wales, they get brown paper bags in the front seat of a Bentley to do the bidding of big business. In the federal sphere, it is about big business and the mining industry handing huge donations to the coalition to oppose a proper tax so Australians can get their fair share of our mining resources and also to oppose putting a price on carbon because it is not in the short-term interest of the mining industry.

I worked—and I am one of the few senators here who have actually worked as a blue-collar worker. I spent a lot of time as a blue-collar in the Hunter Valley working at Liddell Power Station as a maintenance fitter, so I know a little bit about jobs for workers in rural and regional areas. I know a little bit about ensuring that we look after people in this country as a union official. I have done it all my life—not like that lot over there. I know that I need to do something. What we need to do is to make sure that we engage in the industries of the future, that we invest in the industries of the future, and that we look at how we can capture carbon in our coal industry and in our power industry.

The International Energy Agency is saying we need to minimise carbon pollution where we are and we need to maximise renewables. That would be a culture shock for the Prime Minister who does not believe in global warming, who does not believe in the science, and who does not believe in anything other than lies and misrepresentation when it comes to this country. They are a bad government. They do not understand it and the Prime Minister should be there getting some education on this issue. (Time expired)

 Senator RICE (Victoria) (16:40): I attended the Melbourne climate rally yesterday, and it was an inspiring place to be—30,000 people out there in force: old people and young people across the whole sectors of society.

I was particularly inspired by the number of young people who were there and inspired by the fact that the Melbourne rally was the beginning of a worldwide wave of rallies for climate action. All of those young people were there, because they know it is their future that is at stake. They are wanting political leadership. They are wanting community leadership for real action, not words, on climate change.

One of the things that inspired me the most at the rally yesterday was when the rally organisers announced that the United Nations Secretary-General Ban Ki-moon was going to be attending and marching with the 300,000 to 400,000 people who were rallying in New York.

This places Prime Minister Abbott's refusal to go to the UN Climate Summit in stark relief. It is important that our Prime Minister goes. It is symbolic that our head of government goes, because it states that this is an important action.
Being inspired by those young people at the rally yesterday reminded me of my experience as a young person politicised by climate change. When I learned about climate change as a 20-year-old at university, I decided that I had to take action, because the world needed to be doing something about it. That was over 30 years ago. Lots of things have changed in the 30 years since then. Then the science was in its infancy. The first Intergovernmental Panel On Climate Change report was not released until 1990. Then most political and community leaders did not know the science. Renewable technology was in its infancy too, so it really seemed like a wicked problem that we were dealing with. How were we going do overcome this?

What has not changed in the 30 years since then was the realisation that acting on climate change was going to impact on the world and Australia's use of coal, gas and oil. As the years went by, the debate focused on whether we were going to have economic impacts versus environmental impacts; and did we have to choose between keeping our economic development, our jobs and our way of life versus damage to the environment?

Sadly, I think that this is where the government are still at. They are stuck in the past and have not been paying attention to what has changed and the 21st century perspective that it is no longer an issue of the environment versus the economy. If the Prime Minister was up with the times, he would know that we are on track for four degrees of warming, which will be an ongoing global disaster not just environmentally but also economically.

The impacts of four degrees of warming, hotter than humans have ever known before, means: more extreme floods; storms; cyclones; bushfires; melting polar icecaps; hotter and drier farmlands around the world—meaning that billions of people will not be able to grow enough food or have enough water to stay healthy—and lack of food and water causing wars and millions of refugees. This is going to be economically and socially disastrous. All of these impacts are going to have massive economic impacts, which are unacceptable to the Australian and global community, and will be disastrous to the Australian and world economy.

If Prime Minister Tony Abbott would attend the summit, he would learn that every global agency knows that this is so—and that has changed since I have been involved in the climate change debate. Before we felt that agencies like the World Bank, the World Economic Forum and the International Monetary Fund had very different attitudes to climate change than I did as a climate activist. But now, every one of those agencies knows that it is in the world's economic as well as environmental and social interests to be getting deep and meaningful, and urgent action on climate change.

The World Bank released a report in June that said:
Fighting climate change would help grow the world economy, according to the World Bank, adding up to $2.6 trillion a year to global GDP in the coming decades.
It is a sharp contrast to the government's claims that fighting climate change would 'clobber' the economy. If the Prime Minister was there at the Climate Summit these are the perspectives that he would get.

The World Bank report also said that, 'the pro climate regulations and tax incentives would on their own deliver nearly one-third of the reductions in greenhouse gas emissions needed to keep warming below the two degree threshold for dangerous climate change'. It seems that is
why the Prime Minister is not going; because he has his eyes and ears closed. He does not want to know; he does not want to hear.

In Australia the government needs to realise the impact of acting on climate change; it means tackling the fossil fuel lobby. That is what our government is not willing to do, because that means tackling the coal industry. It means doing more than the fig leaf of Direct Action. Australia has over one-quarter of the world's coal reserves. We are a huge player in the coal industry.

New research out today about coal identified major financial risks for investors and coal producers around the world, highlighting that there is $112 billion of future coalmine expansion and development that is excess to requirements' over lower demand forecasts, due to slowing demand growth in China. In particular this research shows that new high-cost mines are 'not economic at today's prices' and are 'unlikely to generate returns for investors in the future'. Companies most exposed to low coal demand are those developing new projects, focussed on the export market. They are the projects—the Galilee Basin and the other coal export projects—that our government should be saying no to if they are serious about action on climate change.

The other thing that has changed—that the Prime Minister would be learning about if he attended the summit, and that we on this side know about acting on climate change—is that renewables are now the most cost-effective way of dealing with our energy issues. We know that the cost of renewables is coming down and we know that not investing in renewables means that we are losing potential for jobs—over 1,000 jobs potentially being lost just in my state of Victoria if, for example, we get rid of the renewable energy target.

It is clear: we need to be taking action on climate change. Australia needs to be a leader in taking action on climate change. We need to be there in New York, putting our case as part of the global community rather than living in the past. The science is clear, we need zero carbon as soon as possible, no later than 2050. The Climate Change Authority's reduction targets of 40 per cent to 60 per cent by 2020 are achievable and reachable, and that is what we need to be aiming for. Our five per cent target, in contrast, is inadequate. Not only is it inadequate for 2020, but there is no potential for it to be expanded beyond then.

In my first speech I laid out six steps that we need to be taking if we want real action on climate change—if Australia is going to join the world community. The first step is to set pollution reduction targets, based on the science; that is what we need to be doing. We need to stop subsidising fossil fuels. Clearly, that is going to be a really big driver, all around the world, in shifting to renewables and away from fossil fuels. We need to be creating more jobs, by boosting clean energy production and energy conservation. We need to start closing coal fired power stations. We have an excess of power; we can afford to be doing it. We should be taking action to close the dirtiest coal fired power stations. Hazelwood and the Alcoa power stations in Victoria are the two key ones from a Victorian perspective. We need to be saying no to new coal and gas exports, coal seam gas and unconventional gas. And we need to be making the big polluters pay. We had a price on carbon; it was working.

I am sure that people at the UN Climate Summit will be learning about the benefits a price on carbon will be having all around the world. Our price on carbon reduced our carbon emissions by two per cent in just a year. Australia used to be a global leader because of these sorts of measures. When I came into this Senate I was proud to be joining a party and a
parliament that was going to be tackling climate change with strong action. We are no longer that parliament. We need to be there on the world stage, putting our case for urgent and serious action, and acting on climate change.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (16:50): It is interesting that the urgency motion starts off with the need for the Prime Minister to attend the United Nations Climate Summit in 2014. Given that there are myriad challenges that face a Prime Minister of a country at any one time—and we know that there is a challenge facing this country and the greater world at the moment—I would have thought the fact that the Foreign Minister, Julie Bishop, was attending this summit sent a strong signal.

She is the Deputy Leader of the Liberal Party. She is a very senior person in the government; she is the Minister for Foreign Affairs. The fact that she is already in that part of the world and we did not need to send another person over there sends a strong signal to those attending the conference that Australia takes its responsibility in this space very seriously.

I would like to put on the record at the outset that the Australian government is very supportive of the initiatives of the United Nations Secretary-General to work towards practical solutions with climate action. We are firmly committed to taking practical action to reduce emissions, both at home and abroad. We have a responsibility not only to deal with the emissions that occur in Australia but to encourage those strong overseas emitters to see the sense and the benefit of reducing their emissions as well. As you would know, Mr Acting Deputy President Seselja, Australia is a very small economy and some of the challenges of the larger economies are going to deliver significantly greater results if we are able to reduce the emissions in some of the much larger industrial countries around the world.

Australia has made a commitment to our targets for 2020. Obviously it would be fantastic if our targets were able to be accelerated or increased but we certainly have made a strong commitment to those targets. We have also made a strong financial commitment to the Emissions Reduction Fund of $2.55 billion. This government is taking its role and responsibility in this space very seriously.

The thing that really amazes me is that we stand up here again today and we are not necessarily debating whether we support that there is an issue that needs to be addressed. What we are actually debating is how we intend to deal with it and how we intend to address it. I find it quite distressing that instead of just accepting that the Australian public, on 7 September 2013, did not like the emissions reduction mechanism that the Greens forced on the Labor Party to introduce, the carbon tax. If they just accept that that is not how we want to deal with this particular issue, we could sit down and have some sort of constructive debate about what we should be doing instead of carrying on and debating the merits of climate change time and time again. We do not disagree that we need to take action in this space. So why are we standing in this chamber day after day debating the issues of climate change instead of debating the issues about how best to deliver a response to the issues that we are confronting as a nation and as a world in this space without impacting negatively on our businesses?

We heard through the debate on the carbon tax repeal legislation of companies that were having significant impacts on their businesses, some so significant that they moved their businesses offshore to countries whose emissions reputations and records are much worse than Australia’s have ever been. We saw that happen. We also saw the cost of living go up for
everyday Australians. We had a carbon tax that basically did not work. It cost a whole heap of money, it caused a whole heap of grief, it damaged a whole heap of sectors of our economy and it did not really work. It really did little more than increase the cost of doing business at the same time reducing competitiveness.

So what the coalition is seeking to do by the changes that we are making is to put in place something that will not just achieve the outcome but that will do so through measures that are not going to send our country broke.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (16:55): The I rise to speak on the urgency motion: The need for the Prime Minister to attend the United Nations Climate Summit 2014, and to recognise that Australia’s emissions reduction target is inadequate. We woke up this morning to the news that over 300,000 people marched through the streets of Manhattan Island, New York to peacefully protest for global action on climate change. The New York march was the culmination of a series of events right across the globe. Organisers said 550 busloads of people had arrived for the rally, which followed marches in 166 countries including Britain, France, Afghanistan, Mexico and Bulgaria. Back home in Australia, more than 10,000 people took to the streets in Melbourne, 1,500 in Brisbane and many more in other capital cities. The message from these events to politicians and powerbrokers alike was very clear: people want action on climate change and they want it now. The global events were held to herald the start of the Climate Change Summit 2014, which has been organised by the UN Secretary-General, Ban Ki-moon. The Secretary-General was clear about the urgency of action when he said, 'The longer we delay our action, the more we will have to pay.'

The climate summit will be about action and solutions to separate progress in areas that can contribute to cutting emissions and building resilience. Areas such as agriculture, cities energy, financing, forests, pollutants, resilience and transportation will all be in the policy spotlight. It will also mobilise the will for a global agreement on climate change ahead of the 2015 conference in Paris, where participants will try to agree on legally-binding climate change regulations.

If we are to keep the world within the brink of a dangerous two degrees Celsius rise in global temperatures, world leaders need to work together. Present at the 2014 summit will be the US President, Barack Obama. Joining him will be the British Prime Minister, David Cameron, along with more than 120 other world leaders. These leaders understand that action on climate change must happen. But the Australian Prime Minister, Tony Abbott, will not be joining them. He will not be making time in his diary to address the pressing global issue of climate change despite the fact that he already had a trip to New York in his diary for later in the week. Instead, he is sending Foreign Minister, Julie Bishop, who has already knocked back a United Nations request for Australia to strengthen our climate targets. This is disgraceful and it is further proof that the government is actively hindering global action on climate change. This is the government that has systematically set about dismantling each and every tool that Australia has had in its kit to address climate change and to harness the opportunities presented by a low-carbon economy.

To say Australian government action on climate change has been one of the most vexed in recent times would be an understatement. Of course, both major parties took to the 2007 federal election a policy to implement an emissions trading scheme. But the now Prime
Minister, Mr Abbott, put political expediency ahead of the planet's future in 2009 when he led the Liberal and National parties to a 'no' vote on the carbon pollution reduction scheme.

In 2011, the clean energy future package was legislated. Of course, it was for a fixed price for three years then a floating price in 2015. The fixed price component caused the issue with the electorate. For the better part of four years, we have witnessed continued deceit from the now Prime Minister about the impact of the carbon price. Whyalla was not wiped out, lamb roasts did not reach $100 and the Australian economy continued to grow. While the now Prime Minister and a large number of his front bench were telling tall tales, there was absolute silence from those in the coalition who supported a market based mechanism purely for political expediency.

I now turn to Australia's emissions reduction target and the importance of flexibility in this target for international negotiations. Labor's position is that the Australian government should commit to emissions reductions of between five and 15 per cent unilaterally and that there be an international agreement up to 25 per cent. The strategy behind the two targets is to provide a bargaining position at international forums like the UN's Climate Summit 2014. These are the same targets that Labor sought to enshrine in 2009. These are the same targets that Labor legislated for in 2011. As a party of government and not a party of protest, it is vital that the Australian government not only attends important summits like the UN's Climate Summit 2014 but also considers an appropriate bargaining position. It would be a poor strategy for Australia to act unilaterally with large legislated targets before the rest of the world cements its carbon pricing frameworks.

The clean energy future package provided a clear path for Australia to meet a five, 15 or indeed 25 per cent reduction in our emissions. Labor's focus in both 2009 and 2011—and it remains today—is that Australia should have strong emissions reduction targets unilaterally and we should take a strong bargaining position to international forums. Of course, the now Abbott government has trashed Australia's emissions reduction framework, trashed Australia's emissions reduction targets and trashed Australia's bargaining position at international forums like the UN Climate Summit 2014. But this is Mr Abbott's intention. Under his leadership, Australia is the first country in the world to go backwards on action on climate change, with the repeal of the carbon price. The Abbott government has left Australia without a framework to tackle climate change.

And, now, the next frontier is the renewable energy target. The Abbott government appointed a climate change sceptic to head its review into the renewable energy target. This review is reported to have recommended scrapping the RET altogether. And the government's response to that? Silence. The Abbott government is threatening an emissions-reducing, jobs-creating initiative. Labor supports maintaining the renewable energy target. We understand that the RET is a major economic driver as well as a major employer. Renewables support 24,000 jobs and the RET has attracted $18 billion in investment across Australia to date. The Abbott government's own review found that we will pay more for electricity after 2020 if the RET is dumped or reduced.

Labor supports the RET, while at the same time supporting assistance for energy-intensive trade-exposed industry. The clean energy future package saw relevant heavy industry receive a rebate on 97 per cent of their carbon price liabilities. Also at risk are hundreds of millions of
dollars that Hydro Tasmania returns to the state government and the $200 million Granville Harbour wind farm, which is set to deliver 200 much-needed construction jobs.

Last week, I hosted Bill Shorten in Burnie and Queenstown in north-west Tasmania. In Burnie we met with the proponents of the Granville Harbour wind farm. They have finance. They have the plans. They have the approvals process underway. The only thing holding them back is the Abbott government's ideologically driven attack on the renewable energy target. This is holding back 200 jobs in Tasmania's north-west—a place where unemployment is a number of points higher than the national average; a place where people are screaming out for opportunities; a place where people see the long-term benefits of renewables and want a federal government that will help with this major project, not hinder it. The Abbott government must keep its election promise to retain the renewable energy target in full.

The Abbott government's Direct Action Plan is a sham, and I would urge all in this place to not support it. There is clear evidence that it is a waste of taxpayer resources. There is clear evidence that it will struggle to assist Australia meet even the five per cent reduction target. To meet our commitment of reducing Australia's carbon output by five per cent by 2020, the government initially allocated $2.55 billion over three years. But modelling by SKM-MMA and Monash University showed this to be $4 billion short of what will be needed.

A recent inquiry for the Senate Environment and Communications Committee failed to find one witness who supported Direct Action as a credible standalone solution to address climate change. Direct Action will hand out grants to big polluters but levy no fine on those who fail to reduce their emissions. Shockingly, Climate Institute modelling found that, if other countries followed the Abbott government's policy lead of Direct Action, the world would be on track for a catastrophic rise of up to 6.5 per cent by the end of the century. Tony Abbott, the Prime Minister, needs to recognise that the world is moving toward a low-carbon future, whether he likes it or not. He can either embrace this future and the opportunities it offers Australia, or he can continue to block action on climate change.
be going to New York later this week, but that is to again work on the security issues that are so vital to each and every Australian.

This debate should be put in perspective. Australia emits less than 1.4 per cent of the world's carbon emissions. On the recent analysis that came out just over the weekend, I think we have even dropped in that. The climate change debate is turning into a real farce. I understand that the real debate in New York will not be on the level of CO₂ in the atmosphere and how it is affecting the climate but on whether the global cooling that has been going on for some time is for 15 years or 19 years. I understand that is going to be the big issue discussed in New York: global cooling and whether it has been going on for 15 years or 19 years. Then we will be hearing about the sea ice expansion in the Antarctic, which we have been told for years has all sorts of problems. Here we are with, unfortunately for the IPCC, the sea ice in the south increasing. In the north, I accept, it is decreasing, but it simply shows that the science is not confirmed and not settled. I see that the University of New South Wales Centre of Excellence for Climate System Science has said that part of this is because of increased heat in the Pacific Ocean. That was in a peer reviewed paper. A similarly peer reviewed paper that came out a little while later by another university said that the heat was in the Atlantic Ocean. Clearly, the scientists are themselves confused.

As for the Prime Minister not being there, neither will be the prime ministers of India or China, two of the nations that are by far and away the biggest emitters of carbon—and I should add to that: perhaps President Putin of Russia. The American President will be there. Whilst President Obama says a lot, his congress, which represents the wishes of American people, stalled Mr Obama at every turn.

As I said at the beginning of my address, I cannot think of anything less urgent for the Prime Minister to be in New York. I am delighted that the Prime Minister is staying at home to address the issues of real interest to Australians.

**The ACTING DEPUTY PRESIDENT (Senator Seselja):** The question is that the motion moved by Senator Milne be agreed to.

The Senate divided. [17:14]

(The President—Senator Parry)

<table>
<thead>
<tr>
<th>Ayes</th>
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**AYES**

Bilyk, CL (teller)
Cameron, DN
Di Natale, R
Gallacher, AM
Ketter, CR
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Urquhart, AE
Bullock, J.W.
Carr, KJ
Faulkner, J
Hanson-Young, SC
Lines, S
Ludwig, JW
McEwen, A
Milne, C
O'Neil, DM
Polley, H
Rice, J
Sterle, G
Waters, LJ
AYES
Whish-Wilson, PS
Wright, PL

NOES
Back, CJ
Bernardi, C
Birmingham, SJ
Bushby, DC
Canavan, M.J.
Cash, MC
Colbeck, R
Day, R.J.
Edwards, S
Fieravanti-Wells, C
 Fifield, MP
Heffernan, W
Lambie, J
Lazarus, GP
Macdonald, ID
Madigan, JJ
Mason, B
McGrath, J
McKenzie, B
Muir, R
Nash, F
O'Sullivan, B
Parry, S
Payne, MA
Reynolds, L
Ronaldson, M
Ruston, A (teller)
Ryan, SM
Seselja, Z
Smith, D
Wang, Z
Williams, JR

Question negatived.

MINISTERIAL STATEMENTS
G20-OECD Tax and Transparency

Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (17:18): On behalf of the Treasurer, I table a ministerial statement on G20-OECD Tax and Transparency.

DOCUMENTS
Tabling

The ACTING DEPUTY PRESIDENT (Senator Seselja) (17:18): I present documents listed on today’s Order of Business at item 12 presented since the Senate last met. In accordance with the usual practice and with the concurrence of the Senate the government responses will be incorporated in Hansard.

The list read as follows—

Documents presented out of sitting

Committee reports (pursuant to Senate standing order 38 (7))

Rural and Regional Affairs and Transport References Committee—Report—Industry structures and systems governing levies on grass-fed cattle, dated September 2014, including Hansard record of proceedings, documents presented to the committee, additional information and submissions. [Received 9 September 2014]

Procedure Committee—Third report of 2014—Routine of business—proposals for discussion; Photography in the Senate Chamber; Seating for members of the House of Representatives on the floor of the Senate Chamber, dated September 2014. [Received 9 September 2014]
Introduction

On 7 August 2013 the Senate Environment and Communications References Committee tabled an inquiry report entitled 'Effectiveness of threatened species and ecological communities' protection in Australia'. The terms of reference for the inquiry were:

The effectiveness of threatened species and ecological communities' protection in Australia, including:

a) management of key threats to listed species and ecological communities;
b) development and implementation of recovery plans;
c) management of critical habitat across all land tenures;
d) regulatory and funding arrangements at all levels of government;
e) timeliness and risk management within the listings processes;
f) the historical record of state and territory governments on these matters; and
g) any other related matter.

The Australian Government welcomes the opportunity to respond to this report. An indication of the importance the Australian Government places on threatened species management is the recent appointment of Gregory Andrews as Australia's first Threatened Species Commissioner on 2 July 2014. The Commissioner will bring a new national focus to the conservation efforts for Australia's endangered native flora and fauna.

The response to each recommendation contains a statement as to whether the Australian Government agrees, agrees in part, or notes the Committee's recommendations. The meanings of each statement are included for reference below.

Agreed - The Australian Government agrees with the recommendation and has already, or will in the future, take the recommended (or similar) action. This is not a commitment to providing additional funding.
Agreed in part - The Australian Government agrees with part of the recommendation and has already, or will in the future, take the recommended (or similar) action in relation to that part only.

Noted - The Australian Government notes the recommendation.

Not agreed — The Australian Government does not agree with the recommendation.

Responses

Recommendation 1

2.125 The committee recommends that the Commonwealth, state and territory governments prioritise their work towards reducing duplication and inconsistency between the Environment Protection and Biodiversity Conservation Act 1999 list and state and territory lists of threatened species and communities, consistent with the aim of achieving a harmonised national list capable of accommodating regional or geographic listings within or across individual states. The Committee further recommends that the Commonwealth, state and territory governments work to establish uniform and integrated processes for the future listing of threatened species and communities.

Government response: Agreed

The Australian Government supports the recommendation and intends continuing and improving arrangements to reduce duplication of listing effort, presenting information on all listed species in one place, and improving the consistency of listing processes.

The Department of the Environment (the Department) has had Memoranda of Understanding and other arrangements in place with states and territory governments in regard to list alignment. The Department intends continuing these or equivalent arrangements.

These arrangements are principally focussed on the assessment of species endemic to states and territories and are designed to lead to efficient and integrated assessment and listing processes for these species. These arrangements allow the Department to focus its assessment effort on species which are found in more than one state or territory.

When nominations for state or territory endemic species are received, they are referred to the relevant state or territory for assessment.

Once these nominations have been assessed at state or territory level, they are then reviewed by the Threatened Species Scientific Committee (the Committee) which ensures that they meet the standards required under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Committee assesses the status of species at the national scale and makes recommendations for or against listing based on this assessment.

The Australian Government currently reports the listing status of all species under both Commonwealth and state legislation through a single, publicly available website, the Species Profiles and Threats (SPRAT) database on the Department of Environment website. SPRAT provides biological and ecological information (including threats) on the EPBC listed species and ecological communities, as well as links to species-specific EPBC Act and state and territory government documentation.

There are differences between the assessment criteria and threat categories used for listing in each jurisdiction. Opportunities to further promote uniform and integrated processes for listing will be pursued, noting that this would require amendment of relevant legislation and practices in a number of jurisdictions.

Recommendation 2

2.128 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities investigate a less complicated 'expressions of interest' process for the public to nominate threatened species and ecological communities for further consideration of their potential to be fully nominated by expert groups operating on a pro bono basis, as suggested by the Threatened Species Scientific Committee.
Government response: Agreed in part
The Australian Government is committed to reducing the regulatory burden by streamlining regulatory requirements, with regulation only being imposed where absolutely necessary.

Any person may submit a nomination to have a species or ecological community assessed for listing under the _Environment Protection and Biodiversity Act 1999_ (EPBC Act). Given the regulatory implications of a species being listed, it is important that nominations include sufficient evidence and data to form the basis of an informed scientific assessment and that the level of information required in the nomination form is appropriate.

The Department has recently simplified the nomination form to remove duplication, to focus on the listing criteria as specified in the EPBC Act and the _EPBC Regulations 2000_, and to form the basis of an assessment by the Threatened Species Scientific Committee.

In addition, a plain English guideline is currently being developed to inform and assist nominators in the process of nominating a threatened species. This guideline will direct nominators to potential sources of expert advice that they may choose to access.

The Australian Government does not support an 'expression of interest' process which does not require nominators to address the EPBC Act's listing criteria and provide relevant information. This would divert the Department and the Threatened Species Scientific Committee away from nominations which address the listing criteria and are backed by supporting information, and would result in further delays in undertaking assessments and maintaining the currency of the lists.

The Department is working with the Threatened Species Scientific Committee to examine opportunities for drawing on the work of external specialist scientific groups. This approach would still require all EPBC Act criteria and requirements to be met, with sufficient evidence and data being considered to allow an informed scientific assessment.

Recommendation 3

2.132 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities establish specialist scientific sub-groups to support the work of the Threatened Species Scientific Committee.

Government response: Agreed
The Department is working with the Threatened Species Scientific Committee to examine opportunities for drawing on the work of external specialist scientific groups. In particular, the Department is investigating a process that would encourage independent groups of experts to develop and submit action plans for groups of taxa. If all _Environment Protection and Biodiversity Conservation Act 1999_ criteria and requirements were met, it may be possible for these action plans to be rapidly considered by the Committee, and the threatened species lists to be updated more readily.

Recommendation 4

2.133 The committee recommends that the Threatened Species Scientific Committee, and specialist sub-groups, supported by the Department of Sustainability, Environment, Water, Population and Communities, commence systematic reviews of the _Environment Protection and Biodiversity Conservation Act 1999_ threatened species list, to be undertaken by taxonomic group, to be completed within the next five years and to continue to be undertaken at not less than five yearly intervals.

Government response: Agreed in part
The Australian Government notes that knowledge about species and ecological communities changes over time, as does the state of those entities in the environment. The Department currently undertakes reviews of the status of listed entities as new information about their state is received.
Undertaking comprehensive reviews of all taxa would be a resource intensive exercise that is currently beyond the capacity of the Department.

**Recommendation 5**

2.135 The committee recommends that the *Environment Protection and Biodiversity Conservation Act 1999* be amended to give the Threatened Species Scientific Committee power to recommend that the Environment Minister fund research programs for species or communities which are found to be ineligible for listing under the *Environment Protection and Biodiversity Conservation Act 1999* due to data deficiency or geographical location, and that the minister be required to respond to the Threatened Species Scientific Committee's recommendations.

**Government response: Agreed in part**

The Australian Government does not believe that the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) needs amendment to allow the Committee to recommend research funding needs to the Minister.

When advising the Minister that a species or ecological community is not eligible for listing because of a lack of information or data, the Threatened Species Scientific Committee currently takes a risk assessment approach. It advises the Minister whether it believes there are concerns about the species or ecological community and makes suggestions on how the data gaps that prevent it meeting listing criteria can be potentially filled. While it is not possible to fund all such data gaps, the Department has previously funded this kind of research through the National Environmental Research Programme.

The Australian Government has appointed a Threatened Species Commissioner to promote the recovery of threatened species. The Commissioner will provide advice on priority actions needed to recover threatened species, including identifying areas where additional research may be needed.

In addition, under section 190 of the EPBC Act the Threatened Species Scientific Committee can advise the Minister about any action that is necessary to prevent a species or ecological community that is not eligible for listing from becoming threatened. The Minister is to have regard to this advice in performing any function, or exercising any power under the EPBC Act relevant to the species or community.

**Recommendation 6**

3.137 The committee recommends that the Australian Government introduce into Parliament the proposed amendments to the *Environment Protection and Biodiversity Conservation Act 1999* relating to 'emergency listing' of threatened species and communities as a matter of high priority.

**Government response: Noted**

The Australian Government recognises the potential benefit of being able to list threatened species and ecological communities rapidly, but considers that the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) already allows this.

Section 503(b) of the EPBC Act provides that the Minister can request advice from the Threatened Species Scientific Committee on amendments and updating the lists. The Minister can at any time request the Committee to undertake an assessment of a species for the purpose of determining its eligibility for listing within a very short timeframe.

Section 194G (3) of the EPBC Act provides that an item is eligible for assessment consideration and therefore inclusion on the Assessment List if the Threatened Species Scientific Committee itself wishes to nominate the item for inclusion. The annual Finalised Priority Assessment List (Section 194K) routinely includes the item "Any other species/ecological community/threatening process nominated by the Committee". This allows the Committee to include an item in an Assessment List at any time during the relevant assessment period. All species and ecological communities nominated by the Threatened Species Scientific Committee in that way form part of the Assessment List for that assessment period.
Recommendation 7

3.129 The committee recommends that the Commonwealth government amend the Environment Protection and Biodiversity Conservation Act 1999 to allow for the listing of threatened populations of species in a manner consistent with the objective of harmonising listings and listing processes with state and territory governments.

Government response: Not Agreed

The Australian Government does not agree with this recommendation as the ability to list 'threatened populations' already exists within the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Section 517 allows the Minister to determine that a distinct population of biological entities is a species, for the purposes of the EPBC Act. The Minister is then able to list that distinct population on the threatened species list.

This provision has been used to list threatened populations (separate and distinct from one another) such as the east coast and west coast populations of the Grey Nurse Shark, the south-east mainland population and Tasmanian population of the Spotted Tailed Quoll and the combined Koala population in Queensland, New South Wales and the Australian Capital Territory.

The Australian Government believes that the use of section 517 should be limited to those circumstances where it leads to a significantly better conservation outcome than listing at the species level. Overuse of the provision in section 517 may detract from the national intent of the EPBC Act and introduce inefficiencies and complexities into its administration. For example it could encourage high numbers of nominations for listing of population segments focused on individual or localised threats or activities, where the species is not threatened over its national extent.

Recommendation 8

3.103 The committee recommends that the focus of the recovery planning process be on the development of national level strategic plans supported by short action plans for specific species designed to achieve specific objectives against which their success can be measured.

Government response: Noted

The Australian Government recognises that a wide range of plans, both statutory and non-statutory, support the recovery of threatened species. Conservation advices and recovery plans as developed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) are the primary statutory mechanism the Australian Government uses to guide decisions on threatened species and threatened ecological community conservation. In this way, conservation advices and recovery plans are national strategic plans of action for a threatened species or ecological community.

The Australian Government is developing more strategic approaches to allow better integration of recovery and threat abatement planning with regional and other planning initiatives. This includes increasing use of regional, multi-species and ecological community recovery plans. Regional recovery plans in place include those for the Adelaide and Mt Lofty Ranges in South Australia, King Island in Tasmania, Border Ranges of New South Wales and Queensland and the Fitzgerald Biosphere in Western Australia. Such regional landscape approaches will not always be appropriate for the recovery needs of some species and therefore individual recovery plans will continue to be developed for particular species as appropriate.

The Threatened Species Commissioner will be working closely with the Threatened Species Scientific Committee to strengthen the connection between the statutory listing and recovery planning process and the implementation of conservation actions. The Commissioner will also develop a plan of priority actions to prevent extinctions and halt the decline of Australia's most threatened species.

In considering other strategic approaches, the Australian Government is reviewing the potential role of other planning initiatives, including national action plans such as the Action Plan for Australian Birds 2010, in informing and/or complementing the listing and recovery planning processes.
Recommendation 9

3.105 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities adopt clear protocols to implement streamlined processes that lead to the establishment of relevant plans (including conservation advices, single species recovery plans, strategic plans supported by action plans, and multi-species and regional recovery plans) within strict timelines. The committee further recommends that the department's performance against those timelines be measured and made publicly available.

**Government response: Agreed in part**

The Australian Government has in place established procedures that lead to the development of conservation advices and recovery plans. These are guided by statutory requirements including timeframes prescribed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the listing of threatened species and ecological communities and the making or adopting of recovery plans. The Minister must make a decision whether to have a recovery plan or not within 90 days of the listing of the threatened species or ecological community (section 269AA). If required, the recovery plan for a listed threatened species or listed threatened ecological community must be made and in force within three years of the decision to have a recovery plan being made (section 273).

Recovery plans are only prepared where the listed species or ecological community has complex management needs due to its ecology, the nature of threats affecting it, or the number of stakeholders affected by or involved in implementing the necessary actions. Conservation advices are relied upon where the protection needs are well understood and relatively simple. As conservation advices are required to be published at the time of listing, they are an important mechanism to identify threats and priority recovery activities immediately, rather than waiting years for the development of a recovery plan.

The Australian Government is pursuing more strategic approaches to allow greater flexibility in the development of recovery plans and for their development at regional scales (see the response to Recommendation 8). A key role for the newly appointed Threatened Species Commissioner will be to contribute to a process of reform to simplify and streamline the statutory recovery planning process.

Statistics on statutory decisions including listings, the number of recovery plans adopted or made and those in preparation are available through the Department's annual reports. In addition, the Committee's annual reports are required to report on the making and adoption of each recovery plan, threat abatement plan and wildlife conservation plan (sections 284, 298). These reports are published on the Department's website.

Recommendation 10

3.107 The committee recommends that action plans be developed with regard to the likelihood of available funds, and in a manner that allows for potential prioritisation of actions.

**Government response: Agreed in part**

Recovery plans developed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are the primary mechanism through which Australian Government investment in threatened species conservation is targeted. A recovery plan is a plan made or adopted for the purposes of the protection, conservation and management of a threatened species or ecological community (s296A). Section 270 sets out the content requirements of a recovery plan. This includes the research and management actions necessary to stop decline of, and support the recovery of the species or community.

The Australian Government agrees that it is desirable to create opportunities for better linkages to funding initiatives that allows for potential prioritisation of actions. The newly appointed Threatened
Species Commissioner will help promote the recovery of species by providing a stronger focus on the implementation of recovery plans.

The Australian Government has a long history of supporting land managers and community groups to undertake on-ground activities to achieve the conservation, sustainable use and restoration of Australia's natural resources and environment assets. The Australian Government's National Landcare Programme will continue to support and complement on ground activities to protect threatened species and ecological communities. The Australian Government is committed to working with all stakeholders to maximise the benefits of investment.

The Australian Government is committed to developing better prioritisation processes and decision-making tools that increase transparency, accountability and efficiency in prioritising resource allocation to threatened species conservation efforts. The Threatened Species Commissioner will work with all levels of government, scientists, the non-profit sector, industry and the community to ensure that efforts and investment to protect our native species are better coordinated, better targeted and more effective.

**Recommendation 11**

3.109 The committee recommends that relevant action plans be developed in consultation with state and territory governments, as well as non-government organisations, to ensure planned actions are coordinated, supported and implemented.

**Government response: Agreed**

Recovery plans are currently developed with significant levels of consultation with all levels of government, non-government organisations, industry, landholders, academic institutions and community groups. The development of many recovery plans are also overseen by a recovery team of representative stakeholders who collaboratively contribute to the drafting of the plan.

The Australian Government will continue to, as a priority, encourage the close collaboration and partnerships with state and territory governments and other stakeholders to effectively deliver protection measures for threatened species and communities, The new Threatened Species Commissioner will play a significant role in this regard.

**Recommendation 12**

3.112 The committee recommends that all action plans contain key performance indicators for outcomes in specific locations against which funding is directed.

**Government response: Agreed in part**

Section 270 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that recovery plans state criteria against which achievement of the objective is to be measured and specify the actions needed to achieve the objectives. These are used to help assess performance of a recovery plan when it is reviewed.

It is not practical to identify where all funding is to be directed at the time a recovery plan is being made. This is because funding becomes available from a range of sources over different time frames. Recovery plans act as a strategic mechanism to attract and focus funding rather than as a funding document themselves.

The Australian Government is working to facilitate improved monitoring and evaluation of outcomes from its investments in natural resource management. Monitoring, Evaluation, Reporting and Improvement (MERI) planning is essential to implementation of projects for improved environmental and natural resource management, including projects for species recovery and threat abatement. The Australian Government recognises that key performance indicators are critical to the evaluation of investment in natural resource management activities and is currently developing consistent indicators across policies and investment programmes. It is a condition of funding under current programmes that recipients develop and report against outcome milestones.
The Threatened Species Commissioner will monitor the effectiveness of priority conservation actions and report to the Minister and to the public.

**Recommendation 13**  
3.115 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities conduct a review of all recovery plans older than five years. This review should include an evaluation of the extent to which actions identified in those plans have been implemented and success of those actions in recovering threatened species and ecological communities. The report of this review should be made publicly available and should consider where existing recovery plans can be incorporated into national strategic plans complemented by short action plans for certain species, as outlined in recommendation 9.

**Government response: Agreed in part**  
Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) there is a requirement to review recovery plans at intervals no longer than five years. The Australian Government works with state and territory governments and other stakeholders to review these recovery plans as required. The review process assesses the performance of the recovery plan in achieving its stated objectives. Reviews are then used to guide any decision on whether a recovery plan needs to be revised and updated.

There are 494 recovery plans in place. The Australian Government acknowledges that the ongoing need to review such a large number of plans is a lengthy, complex and costly process that has led to the delays of many reviews. The Department is investigating strategic ways in which the review process can be streamlined to ensure more timely and responsive reviews in maintaining the currency of recovery plans. A more strategic approach to the monitoring, review and public reporting of recovery plan effectiveness will be an area of focus for the new Threatened Species Commissioner.

See also the response to Recommendation 8.

**Recommendation 14**  
4.139 The committee recommends that, in developing action plans, and allocating program funding, the Department of Sustainability, Environment, Water, Population and Communities consider greater use of predator exclusion fences and other forms of ‘mainland island sanctuaries’ for threatened species.

**Government Response: Agreed in part**  
The Australian Government agrees that mainland island sanctuaries can be valuable tools for threatened species conservation. Predator exclusion fences are acknowledged as an effective method for preventing predation on critical weight range threatened species that are most susceptible to predation by feral cats and foxes. The Australian Government agrees that predator exclusion fences can benefit populations of a species when combined with other measures such as invasive species control. In areas of Australia where species are under pressure from multiple threats and where it is not possible to reduce the abundance of predators sufficiently for the recovery of a threatened species, an enclosure may be an essential tool. Enclosures need to be used with care to avoid unintended detrimental impacts on threatened and other species, for example where they require habitat connectivity.

The impacts of feral animals and plants are currently examined in conservation advices and/or recovery plans and in threat abatement plans and associated background documents. A predator exclusion fence may be included as part of an action within these plans. For some threatened species, baiting and trapping programmes to control predators may be a more appropriate action than a predator exclusion fence.

There has been targeted investment to support predator exclusion fencing as well as the control of invasive species through Australian Government funding. The Australian Government's National Landcare Programme will continue to support and complement a range of on-ground activities to protect threatened species and ecological communities. The Australian Government is committed to
working with all stakeholders to maximise the benefits of investment, including through allocation of funding for the use of a range of invasive species management tools to support the recovery of threatened species.

See also the response to Recommendation 8.

**Recommendation 15**

4.141 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities develop clear biosecurity strategies as part of action plans to protect island sanctuaries.

**Government response: Agreed**

Norfolk Island, Christmas Island and Pulu Keeling National Parks are managed by the Australian Government through the Director of National Parks (within the Department). The responsibility for developing action plans, including biosecurity strategies, to protect other island sanctuaries lies with the states and territories.

These national parks have management plans in place, which address quarantine and invasive species management issues. Biodiversity conservation management in these parks focuses on threatened species as components of the broader ecosystems. Conservation management actions include:

- Contributing to the development and implementation of species and ecosystem recovery plans. For example, Parks Australia is currently developing a multi-species recovery plan for Christmas Island for a more coordinated and holistic approach to threatened species management and has completed and is implementing a multi-species recovery plan for Norfolk Island.
- Management of key threats to listed species and ecological communities in Commonwealth reserves. Parks Australia is currently developing a Weeds Strategy for the Commonwealth reserves to help guide management of threats to native species and ecosystems from non-native invasive species.
- Collection and analysis of long-term monitoring data on threatened species. Parks Australia is currently undertaking a project to improve the systematic collection of long-term data for improving threatened species conservation.
- Developing structured decision-making tools for effective management of threatened species, including flying foxes on Christmas Island, by Parks Australia in conjunction with the National Environmental Research Programme.

13

**Recommendation 16**

4.143 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities develop regulations under section 301A of the *Environment Protection and Biodiversity Conservation Act 1999* for the regulation of controlled invasive plant species within Australia. The Council of Australian Governments should be involved in the process, to ensure that these measures are developed in consultation with state and territory governments.

**Government response: Not agreed**

The Australian Government does not consider that direct regulation under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is necessary to control invasive plant species and is confident existing measures are effective.

While it is possible to establish a list of invasive plant species under 301A that may threaten biodiversity in Australia, the Australian Government has processes in place to prevent invasive plants entering Australia. The Department of Agriculture uses a science-based quarantine weed risk assessment process to determine the weed potential of new plants proposed for import into Australia.
Within Australia, the Australian Government works with state and territory governments to regulate trade in invasive plant species through state and territory legislation. All governments have agreed on the list of 32 Weeds of National Significance (WoNS) and agreement is being considered on consistent regulation of the 12 of these species which were added in 2012. The development of a strategic plan for each WoNS helps define responsibilities and identify strategies and actions to control the species.

A further 28 invasive plant species that pose a high or serious potential threat to the environment, that have limited distribution within Australia at present, and that are amenable to successful eradication or containment programmes, have been placed on the national environmental alert list. Listing of these species assists experts to identify plant species that are in the early stages of establishment and have the potential to become a significant threat to biodiversity if they are not managed.

Recommendation 17

4.145 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities develop specific research strategies in conjunction with relevant research institutions, such as Commonwealth Scientific and Industrial Research Organisation and the Invasive Animals Cooperative Research Centre, to develop biological controls for feral cats and other high impact invasive species.

Government response: Agreed in part

The Australian Government agrees that biological control is an effective tool in the management of invasive species. While biological control offers the only sustainable continent wide solution to widespread established invasive species, it is less effective for rapid response management and only one of the potential control mechanisms that should be considered.

Threat abatement plans identify actions related to the investigation or development of biological controls where the potential exists and where stakeholders, including the Threatened Species Scientific Committee, believe there is merit in the research. For example, the threat abatement plan for competition and land degradation by rabbits lists "conduct research to maximise the effectiveness of existing biocontrols, and investigate new biocontrols" as an action.

The Department commissioned a review of potential biological control agents for feral cats in 1997 that concluded that all potential viral agents are already present in feral cat populations in Australia and there are no other candidates for biological control for feral cats. The Department is currently investing in the development of broad-scale bait for land managers to use as part of their control programmes.

Ongoing biological control options of rabbits and invasive fish using diseases and genetic approaches are funded in CSIRO through the Invasive Animals Cooperative Research Centre. For example, this Centre has a research strategy for the landscape control of rabbits that focuses on the enhancement of the rabbit haemorrhagic disease virus (RHD-boost) biocontrol.

Under the Department's research programme, a new research hub will be established to investigate options for improved threatened species recovery.

Recommendation 18

4.147 The committee recommends that the Commonwealth government target more environmental research funding and programs towards effective control methods for invasive species.

Government response: Noted

The Australian Government has a range of existing and potential funding sources for research investment. A number of these support research into effective control methods for invasive species, and this is expected to continue to be an area for investment.

The Industry portfolio has responsibility for a range of publicly funded environmental research which includes key responses to invasive species through the CSIRO, Cooperative Research Centres, and the Australian Institute of Marine Science.
The Department currently has a research investment stream through the National Environmental Science Programme. This Programme will have ongoing funding of $25.5m each year. A number of research projects within the former National Environmental Research Programme have elements that relate to control of invasive species, including:

- Project 7.1 in the Tropical Ecosystem Hub — Invasive species risks and responses in the Wet Tropics.
- Project 11.2 in the Tropical Ecosystem Hub — Improved approaches for the detection of disease and prevention of spread in Torres Strait.
- Project 4.2 in the Northern Australia Hub — Feral cat management on Indigenous land.
- Project 1.3 in the Environmental Decisions Hub — The effect of multi-species interactions on the outcomes of invasive species management.
- Emerging Priority project- Research into the control of Yellow Crazy ants on Christmas Island
- Emerging Priority project — Support for the Lake Eyre Basin Rivers Assessment - Priority Threat Management of invasive plant species in the Lake Eyre Basin

The priority given to control methods for invasive species in future funding decisions will be considered alongside other environmental research and program funding priorities.

Recommendation 19
4.149 The committee recommends that the Threatened Species Scientific Committee considers listing 'wildlife disease' as an overarching key threatening process under the Environment Protection and Biodiversity Conservation Act 1999.

Government Response: Noted
The Australian Government agrees that there are wildlife diseases that are a threat to listed threatened species, and that being able to list key threatening processes at different scales can provide for flexibility in the approach to threat abatement.

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides for the identification, assessment and listing of key threatening processes with the nomination and listing process stated in the EPBC Act. Any person or organisation can nominate a key threatening process for consideration for assessment for listing. The Threatened Species Scientific Committee can also nominate key threatening process itself where it believes assessment is warranted. Under the EPBC Act, it is the responsibility of the Threatened Species Scientific Committee to assess nominations of key threatening processes and provide advice to the Minister. The Threatened Species Scientific Committee would consider a nomination received for 'wildlife disease' and make a recommendation to the Minister regarding its assessment for listing. There are currently threat abatement plans in place for a number of key threatening processes relevant to wildlife disease:

- Beak and feather disease affecting endangered psittacine species;
- Infection of amphibians with chytrid fungus resulting in chytridiomycosis; 16
- Predation, habitat degradation, competition and disease transmission by feral pigs.

Recommendation 20
4.154 The committee recommends that all threat abatement plans contain realistic, measurable targets against which their effectiveness can be measured.

Government response: Agreed in part
Threat abatement plans establish a national framework to guide and coordinate the Australian Government's response to key threatening processes listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Government's goal is to ensure threat abatement.
plans contain measurable targets where this is practical and cost effective. This is not always possible. For many threats, there is an absence of data, or even an agreed indicator that can be measured. For others the cost of measuring would be prohibitively costly.

The Threat abatement plan to reduce the impacts on northern Australia’s biodiversity by the five listed grasses, made in 2012, contains measurable outcomes or outputs and priority timeframes against all of the actions within the plan. Future threat abatement plans are likely to take a similar format.

Recommendation 21
4.157 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities conduct a review of all threat abatement plans older than five years. This review should include an evaluation of the extent to which actions identified in those plans have been implemented, and the success of those actions. The review should be completed within the next five years and subsequent reviews should be undertaken at not less than five yearly intervals. The reports should be made publicly available on the website of the Department of Sustainability, Environment, Water, Population and Communities.

Government response: Agreed
The Department endeavours to review threat abatement plans within the five year timeframe in accordance with s279 (2) of the Environment Protection and Biodiversity Conservation Act 1999. Reviews of five threat abatement plans were made publicly available on the Department’s website in July 2013. These are for:
- Beak and feather disease affecting endangered psittacine species;
- Infection of amphibians with chytrid fungus resulting in chytridiomycosis;
- Dieback caused by the root-rot fungus Phytophthora cinnamomi;
- Predation habitat degradation, competition and disease transmission by feral pigs;
- Reduce the impacts of tramp ants on biodiversity in Australia and its territories. The Department is currently conducting reviews of the following threat abatement plans:
  - Competition and land degradation by unmanaged goats; 17
  - Competition and land degradation by rabbits;
  - Predation by European red fox;
  - Predation by feral cats;
  - Impacts of marine debris on vertebrate marine life;
  - Reduce the impacts of exotic rodents on biodiversity on Australian offshore islands of less than 100,000 hectares.

The review reports will be made available on the Department’s website.

Recommendation 22
5.49 The committee recommends that the Environment Protection and Biodiversity Conservation Act 1999 be amended to require the identification of critical habitat for listed threatened species and ecological community at the time of listing.

Government Response: Not Agreed
While it would be desirable to identify all critical habitat at the time of listing a threatened species or ecological community, information is not always available at that time. The lack of such information should not delay the listing process.
There are mechanisms for identifying and protecting critical habitat and other important habitat both at the time of listing, and afterwards. When a species or ecological community is listed, conservation advice developed by the Threatened Species Scientific Committee is published.

This can identify important habitat for the entity and the Minister must have regard to it when decisions are taken under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) that affect the entity. In this way, conservation advices are mechanisms for enabling the regulatory provisions of the EPBC Act to afford a higher level of protection to important habitat of a listed species or ecological community.

For listed threatened species, the conservation advice identifies important habitat and areas critical to the survival of the species where this is known at the time of listing. For threatened ecological communities, the current practice of providing conservation advice is considered to be equivalent to identifying critical habitat. The current practice involves specifying areas critical to the survival of an ecological community at the time of listing. This includes 'condition thresholds' that identify areas of the ecological community that are in the best condition and most functional, as well as recommending appropriate buffer zones, to help manage and protect sensitive and high condition areas effectively from disturbances and threats.

Where a recovery plan is made for a species or ecological community, it may also identify possible habitats that are critical to its survival and the actions needed to protect those habitats. Both conservation advices and recovery plans can be updated as new information becomes available.

In addition to these mechanisms, section 207A allows the Minister to list habitat as critical to the survival of a listed threatened species or listed threatened ecological community at any time after an entity is listed.

**Recommendation 23**

5.52 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities ensure that all critical habitats for threatened species and ecological communities, as identified in Commonwealth, state and territory recovery plans and conservation advices, be compiled into easily accessible maps which are readily available online and updated at regular intervals.

**Government Response: Agreed**

The Australian Government supports increased access to information — including mapping of critical habitats — to assist with management and conservation of threatened species and is actively working to improve the quality and accessibility of such information, within the constraints of available resources.

Currently, the Department provides the Protected Matters Search Tool on its website. This tool allows the public to investigate the matters of national environmental significance (including Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed threatened species) which may occur in an area of interest. The tool is supported by maps which indicate the known and likely distribution of each EPBC Act listed threatened, migratory and marine species. These maps are maintained by a team of experts in the Department using data obtained from state and territory agencies, museums and herbaria, non-government organisations and researchers. A variety of techniques are used in preparing the maps including spatial modelling of the species range, statistical analysis of population clusters, detailed habitat mapping and expert consultation. Recovery plans are a key reference used when compiling the maps. The Department is preparing generalised versions of these maps for public release.

Indicative distribution maps for listed threatened ecological communities are also currently available on the Department's website.
Recommendaion 24
5.55 In light of the important contribution it should make to the protection of habitat for threatened species and ecological communities, the committee recommends that an audit be undertaken to identify all critical habitat within the National Reserve System.

Government Response: Noted
The Australian Government acknowledges that the range of tenures, both public and private, within the National Reserve System make a significant contribution to the protection of habitat for threatened species and ecological communities. An audit to identify all critical habitat within the National Reserve System would require the participation of all state and territory governments.

Recommendation 25
5.56 The committee recommends that the Environmental Stewardship Program be maintained in order to continue to provide assistance to private land managers to manage and protect habitat for threatened species and ecological communities on their land.

Government Response: Noted
The Australian Government supports the provision of assistance to private land managers to manage and protect habitat for threatened species and ecological communities on their land.

The Australian Government has appointed a Threatened Species Commissioner to develop, implement and monitor threatened species recovery plans, aiming to ensure that efforts and investment to protect our native species by private land managers and others are better coordinated, better targeted and more effective.

Recommendation 26
5.85 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities assess the success of private conservation organisations in establishing sanctuaries of critical habitat for threatened species to examine what lessons could be applied across the National Reserve System and how such private organisations could play an effective role in improving outcomes for threatened species, including within publicly owned assets within the National Reserve System. Such a role must be in cooperation with and following consultation with public land managers.

Government response: Noted
The Australian Government acknowledges and supports the important work of private conservation organisations which support and complement the work of government agencies in establishing and protecting sanctuaries of critical habitat for the conservation of threatened species and ecological communities. These private organisations implement practical, targeted, on-ground conservation projects such as fire management, feral animal and weed control in partnership with a range of other conservation and research agencies.

An assessment of the kind proposed would require the participation of all states and territory governments as well as private conservation organisations.

Recommendation 27
5.88 The committee recommends that the Commonwealth government continue to support the important contribution of all sectors of the community, including private sector and non-government organisations, landholders and community volunteers, in delivering outcomes for threatened species and ecological communities.

Government response: Agreed
The Australian Government has committed to the implementation of a National Landcare Programme that will provide support to a range of community groups and non-government organisations for delivery of outcomes for threatened species and ecological communities. The Australian Government
will also engage broadly with private sector organisations in improving outcomes for threatened species.

The Green Army initiative will support Green Army teams to work alongside communities and support local conservation projects around Australia, drawing on local knowledge and efforts. Importantly, local projects supported by the Green Army will help to deliver on regional and national environmental priorities.

The Green Army will support natural resource management groups, Landcare groups, catchment management authorities, local councils and other community organisations to support and continue their important work.

An important part of the role of the Threatened Species Commissioner is to increase community awareness of threatened species and bring together the partners and resources necessary to implement priority actions.

**Recommendation 28**

6.110 The committee recommends that, when the Biodiversity Strategy is reviewed in 2015, consideration is given to incorporating concrete targets that reflect the targets agreed to by Australia under the Biodiversity Convention.

_Government response: Agreed_

_Australia’s Biodiversity Conservation Strategy 2010-2030_ was endorsed by the former Natural Resource Management Ministerial Council which comprised Ministers from all state and territory governments and the Australian Government. The incorporation of concrete targets reflecting those agreed under the Convention on Biological Diversity will be considered at the time of the proposed 2015 review, and will require the agreement of all state and territory governments.

**Recommendation 29**

6.114 The committee recommends that the Commonwealth government adjusts current funding under the Biodiversity Fund and Caring for our Country to provide targeted funding streams for threatened species and ecological communities. This dedicated funding should include funding for implementation of specific actions within recovery plans, conservation advices and threat abatement plans and advices.

_Government response: Noted_

The Australian Government will establish a new National Landcare Programme. The new programme will merge the previous Caring for our Country and Landcare Programmes. The Government will consider this recommendation in determining objectives, priorities and delivery mechanisms for the new programme. The Biodiversity Fund was linked to revenue from the Carbon Tax. Consistent with the Australian Government's policy to abolish the Carbon Tax, further rounds of the Biodiversity Fund will not be held.

Implementation of recovery plans, conservation advices and threat abatement plans and advices involves a range of stakeholders, including state and local governments, catchment management authorities, other regional organisations, and community organisations. The Australian Government is committed to working with all stakeholders to maximise the benefits of investment, including through ensuring that implementation of action plans is considered in project design where appropriate. The new Threatened Species Commissioner will play a role in monitoring the effectiveness of recovery plans.

**Recommendation 30**

6.116 In light of the evidence that feral animals and fire regimes are two of the biggest threats to threatened species and communities, the committee recommends that funding programs give high priority to on-ground projects addressing feral animals and fire regimes.

_Government response: Noted_
The Australian Government may consider this recommendation in determining objectives, priorities and delivery mechanisms for the new National Landcare Programme.

The Australian Government endeavours to ensure that available funding from national programmes is directed towards projects that are of highest priority and which will deliver effective outcomes. As key landscape-scale threats to biodiversity, both feral animals and altered fire regimes are of concern to the Australian Government. The ongoing management of these two threats is largely carried out by individual land managers and state and territory governments. Any Commonwealth funding programmes aiming to reduce the impact of these threats on threatened species and communities would need to complement action underway by these other agents.

**Recommendation 31**

6.120 The committee recommends that all funding grants under relevant Commonwealth government programs, whether for the management of threatened species, ecological communities, threatening species or invasive species should include metrics to establish initial benchmarks and requirements to measure the outcomes from the project against those initial benchmarks.

**Government response: Agreed**

The Australian Government is working to facilitate improved monitoring and evaluation of outcomes from its investment. Good monitoring, evaluation, reporting and improvement are essential to improve environmental and natural resource management, including for the management of threatened species, ecological communities and invasive species.

The Australian Government recognises that relevant baseline data is critical to the evaluation of investment in natural resource management activities. It is a condition of funding under current programmes that recipients develop and report against outcome milestones, including providing baseline information for major projects under these programmes. The Australian Government is working towards developing consistent indicators across programmes to facilitate monitoring of all funding grants.

**Recommendation 32**

6.122 The committee recommends that the Commonwealth government adjust relevant funding programs to enable funding grants relevant to threatened species and ecological communities to be awarded over longer timeframes, subject to ongoing success against measured objectives.

**Government response: Noted**

The Australian Government is in the process of implementing new programmes to deliver conservation and natural resource management outcomes, including the National Landcare Programme. The Australian Government has committed to supporting multi-year grants of up to four years.

**Recommendation 33**

6.125 The committee recommends that the Commonwealth government develop and implement a national species prioritisation program to guide decision-making in relation to funding for threatened species and ecological communities. This program should be regularly reviewed based on the best available scientific evidence.

**Government response: Agreed**

The Australian Government is committed to developing better prioritisation processes and decision-making tools that increase transparency, accountability and efficiency in prioritising resource allocation to threatened species conservation efforts. The government is reviewing various prioritisation approaches and methodologies to assess their potential to guide development of a national approach. The new Threatened Species Commissioner will develop a strategic approach to threatened species conservation, including a prioritisation framework for species and conservation actions, building on government, non-government and community-based threatened species initiatives.
The Australian Government through the National Environmental Research Program Environmental Decisions Hub is undertaking an extensive research project exploring cost effective approaches to threatened species conservation and recovery. The overall aim of the project is the development of consistent scientific approaches for making a variety of decisions from allocating funds to threatened species, to monitoring threatened species, to determining critical habitat and whether or not landscape plans are more efficient than single species plans.

Recommendation 34

6.127 The committee recommends that the Commonwealth government establish the national biodiversity monitoring system and system of national environment accounts by 2015, as recommended by the Hawke review and Australia's Biodiversity Conservation Strategy 2010-30.

Government response: Agreed

The Australian Government supports improved monitoring of the state of the environment (including biodiversity) and the development of a system of environmental accounts, and is actively working to improve national monitoring and reporting, within the constraints of available resources.

The Department is developing a set of environmental indicators which can be monitored at local, regional and national scale to inform regional and national environmental accounts and state of the environment reporting. Biodiversity is a key theme of these indicators.

The Department is working with the Bureau of Meteorology and the Australian Bureau of Statistics to implement a system of environmental accounts during the 2014-2016 period. This work is part of the National Plan for Environmental Information initiative which will deliver improved access to high quality information to assist environmental decision-making. It will build capacity to monitor, detect and predict change in the environment and maintain this capacity over the long-term.

Recommendation 35

6.130 The committee recommends that the Environment Protection and Biodiversity Conservation Act 1999 be amended to require the Department of Sustainability, Environment, Water, Population and Communities report, as part of the regular preparation of national accounts to Parliament on the status of species, and communities listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999.

Government response: Agreed in part

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listing status of threatened species and threatened ecological communities is published on the Department's website, and is updated to reflect any amendments to the lists. This information could be incorporated into environmental accounts. The intent of this recommendation can be achieved without regulatory change, consistent with the government's commitment to simplify or reduce regulatory burden.

In addition, the new Threatened Species Commissioner will monitor the effectiveness of priority conservation actions and report to the Minister and to the public.

Recommendation 36

7.112 The committee recommends that the Australian Law Reform Commission conduct a review of threatened species laws to ensure effective, comprehensive and consistent protections are in place across all jurisdictions.

Proposed response: Not Agreed

The Australian Government considers that the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides adequate protection for nationally threatened species. The effectiveness of state and territory laws in protecting species listed in each jurisdiction is a matter for the relevant state or territory government.
During the 29 April 2014 meeting of Environment Ministers there was a commitment to establishing a national review of environmental legislation and regulation. The Department of the Environment will work with states and territories to identify unworkable, contradictory or incompatible 'red tape' and consider opportunities for multi-jurisdiction reform.

**Recommendation 37**

7.116 The committee recommends that the Commonwealth government continues to work with state governments to improve the review, audit and monitoring arrangements for Regional Forest Agreements, with a view to ensuring that forestry operations avoid impacts on threatened species and ecological communities.

**Proposed response: Agreed**

The Australian Government is committed to Regional Forest Agreements as an appropriate mechanism for effective environmental protection, forest management and forest industry practices in regions covered by Regional Forest Agreements. The Australian Government is committed to working cooperatively with state governments to improve the administration of Regional Forest Agreements, including improving the review, audit and monitoring arrangement.

**Recommendation 38**

7.119 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities conduct a review of those strategic assessments undertaken under the *Environment Protection and Biodiversity Conservation Act 1999* to date with a view to improving the process in the future. The committee recommends that this review be publicly released.

**Government response: Agreed in part**

The Australian Government considers that strategic assessments are an efficient and effective tool to address issues around environmental cumulative impacts, habitat fragmentation, connectivity and landscape scale solutions for nationally threatened species and ecological communities. There are currently six completed strategic assessments and ten others in progress.

While reviewing strategic assessments already undertaken can inform improving the process in the future, the Australian Government considers the performance improvement and review mechanisms that currently exist for strategic assessments are sufficient.

The Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), led by Dr Allan Hawke in 2009, included a review of strategic assessments. It considered strategic assessments an effective approach to protecting matters of national environmental significance, and made a number of recommendations on improving the process. Some of these recommendations have been adopted in subsequent strategic assessments, such as the current Upper Hunter coal mining, Perth-Peel and Great Barrier Reef strategic assessments.

Other performance improvement and review mechanisms currently exist for strategic assessments. Each endorsed strategic assessment usually includes processes for monitoring, evaluation and periodic review to assess whether outcomes for matters of national environmental significance are being met. As well, the Department internal processes ensure strategic assessment processes are implemented within a project planning framework of continual improvement. This includes considering up-to-date environmental research, such as that generated by the National Environment Research Programme, where practical and relevant.

**Recommendation 39**

7.123 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities conduct an audit and evaluation of the offsets granted under the *Environment Protection and Biodiversity Conservation Act 1999* to date, and make the results of this audit publicly available.
**Government response: Agreed in. part**

The *EPBC Act Environmental Offsets Policy* (the policy) was released in October 2012 and outlines the approach to the use of environmental offsets under the EPBC Act. The policy was developed to ensure a transparent framework for offset decision making and increase certainty for businesses and other stakeholders considering actions that may potentially be subject to an offset requirement, while also promoting consistency and providing robust, positive environmental outcomes. Accompanying the policy was the *Offsets Assessment Guide* which is a metric that gives effect to the policy's requirements for threatened species or ecological communities. The policy replaced a draft policy framework that had been in effect since 2007.

The policy acknowledges that the use of offsets is a developing area and commits to a one year technical review and a five year review of the policy approach.

**Recommendation 40**

7.125 The committee recommends that the Department of Sustainability, Environment, Water, Population and Communities engage in extensive consultation with affected stakeholders prior to the implementation of amendments to the *Environment Protection and Biodiversity Conservation Act 1999* to establish cost recovery mechanisms for environmental assessment processes.

**Government response: Agreed**

The Australian Government has consulted extensively on cost recovery for environment impact assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This included publishing a discussion paper for public comment in September 2011 and a draft Cost Recovery Impact Statement in May 2012.

On 14 May 2014 the Environment Minister introduced legislative amendments to allow cost recovery for these activities under the EPBC Act into Parliament. Further information about cost recovery arrangements is available on the Department's website.

**Recommendation 41**

7.127 The committee recommends that the minister and the Department of Sustainability, Environment, Water, Population and Communities ensure that conditions on approvals under the *Environment Protection and Biodiversity Conservation Act 1999* are kept as straightforward as possible and worded clearly to ensure that conditions are enforceable.

**Government response: Agree**

The Australian Government is committed to ensuring that conditions on approvals under the EPBC Act are clear, outcomes-focussed and enforceable. Conditions play an important role in the environmental approval process at both the Commonwealth and state and territory level.

The Australian Government is working towards a more streamlined process for environmental assessments and approvals, including a 'one stop shop' for environmental assessments and approvals. As part of the 'one stop shop' commitment the Australian Government is working with state and territory governments on a range of administrative streamlining measures, including the development of standard outcome-focussed conditions.

**Recommendation 42**

7.128 The committee recommends that the Commonwealth government develop a new compliance strategy in consultation with the states for monitoring and compliance activities relating to the *Environment Protection and Biodiversity Conservation Act 1999*.

**Government response: Not agreed**

The Department of the Environment's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) *Compliance and Enforcement Policy* is a strong and effective mechanism for ensuring
compliance with the EPBC Act. In particular, it identifies how the Department interacts with state and territory agencies in compliance activities.

The Department also undertakes continuous improvement to ensure best-practice compliance and enforcement strategies are implemented across the Department. The Department will continue to engage with relevant compliance and enforcement networks across jurisdictions to progress development of inter-agency agreements and/or memoranda of understanding between the Commonwealth and relevant state agencies to clarify state and Commonwealth roles in investigating and responding to environmental crime and to ensure a co-ordinated response in investigation of contraventions of national and state environmental law.

The Australasian Environmental Law Enforcement and Regulators neTwork (AELERT) is a network of environmental regulatory agencies which are responsible for the management of natural resources, cultural heritage or the protection of the environment. Enhancing regulatory compliance capacity is a key objective of the network. The majority of the Department's Australian environmental partner agencies and co-regulators are members of the AELERT network, AELERT therefore provides an excellent pathway for the Department to establish new compliance strategies as innovations or improvements in environmental compliance are disseminated throughout the network.

**Recommendation 43**

4.147 The committee recommends that the Australian National Audit Office conduct an audit of monitoring of compliance with approval conditions under the *Environment Protection and Biodiversity Conservation Act 1999*.

**Government response: Agreed**

In July 2013, the Australian National Audit Office commenced an audit into the manner in which the Department monitors compliance with conditions attached to approvals made under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

**Recommendation 44**

4.147 The committee recommends that the *Environment Protection and Biodiversity Conservation Act 1999* be amended so that 'the fisheries provisions under Parts 10, 13 and 13A are streamlined into a single strategic assessment framework for Commonwealth and State and Territory-managed fisheries to deliver a single assessment and approval framework’ subject to the objects of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed response: Agreed in part**

The Australian Government supports reducing the administrative and regulatory process involved in making decisions under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Measures are already in place to streamline fisheries assessments administratively. For example, a single application from a fishery management agency currently informs the assessment conducted by the Department for decision-making under all relevant provisions of the EPBC Act. The fisheries management arrangements are then assessed for consistency with the Australian Government *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*. In this way, a single application and assessment informs decisions under all relevant parts of the Act.

The Australian Government is committed to looking for more opportunities to remove unnecessary administrative and regulatory processes where this is feasible and ensures high environmental standards are maintained.

**Government documents (pursuant to Senate standing order 166)**
Aboriginal and Torres Strait Islander Peoples Act of Recognition Review Panel—Final report by the Honourable John Anderson AO, Ms Tanya Hosch and Mr Richard Eccles, dated September 2014. [Received 19 September 2014]

Ministerial Statements (pursuant to Senate standing order 166)

Auditor-General—Report no. 1 of 2014-15—Confidentiality in government contracts: Senate order for departmental and agency contracts (calendar year 2013 compliance) across agencies. [Received 18 September 2014]

Tabling of guidelines pursuant to an Act (pursuant to Senate standing order 166)

Statements of compliance with Senate orders (pursuant to Senate standing order 166)

Indexed lists of departmental and agency files (continuing order of the Senate of 30 May 1996, as amended on 3 December 1998)

Foreign Affairs and Trade portfolio. [Received 12 September 2014]

Immigration and Border Protection portfolio. [Received 11 September 2014]

Letter to the President of the Senate from the Chief Executive Officer, Australian Commonwealth Games Association (Mr Crosswhite, AM) responding to the resolution of the Senate of 4 September 2014, dated 10 September 2014.

Lists of contracts (continuing order of the Senate of 20 June 2001, as amended on 27 September 2001 and 18 June, 26 June and 4 December 2003)

List of departmental and agency appointments and vacancies (continuing order of the Senate of 24 June 2008, as amended)

Lists of departmental and agency grants (continuing order of the Senate of 24 June 2008)

Statements of departmental and agency unanswered questions on notice (continuing order of the Senate of 25 June 2014)

Agriculture portfolio. [Received 17 September 2014]

Employment portfolio. [Received 11 September 2014]

Ordered that the committee reports be printed.

Aboriginal and Torres Strait Islander Peoples Act of Recognition Review Panel

Senator SIEWERT (Western Australia—Australian Greens Whip) (17:19): by leave—I move:

That the Senate take note of the document.

This is an important report that has been tabled by a committee that was established under the act of recognition that was passed in this place at the end of 2012. The review panel was put in place by the government, as was required under this act. It consisted of the Honourable John Anderson, who chaired the committee, Tanya Hosch and Richard Eccles. They undertook a wide range of consultation on the report. They tabled the report last week and made a number of recommendations which I think are important. Some of them I support more than others, but there are a number of things that I think are particularly important. Firstly, they confirmed that there is broad support for recognition and acknowledgement of the first peoples of this land. I refer to Aboriginal and Torres Strait Islanders as the first people of this land because they make the point that they were here before there was an Australia—and I think that is an important point.
The committee, in its report, made the point that awareness of around the issue of recognition has slipped a bit. That is concerning and I think it goes directly to the matter of the timing of the referendum—if in fact we are going to have one. The committee said that there needs to be more work done on awareness and an understanding of why it is important that we recognise the first peoples of the land. They think it is particularly important and that it needs to be done before we have the referendum. Awareness has dropped to about 40 per cent. I would be very concerned if it dropped any lower. The committee also points out that there is a need for further investment in awareness raising and having those conversations with the community. I can back that up from the work that the parliamentary joint committee has been doing and the consultation process that the committee has been undertaking. I have been on the road with that particular committee.

I think there has been a drop in awareness. But they also want to know more about why constitutional recognition is important. They want to engage in the debate and they have made the point that there needs to be more resources in the community to generate that debate. They also talk about the fact that there need to be preconditions before a referendum could be undertaken successfully. One of those is the need for a final proposition. What in fact are we talking about? What is the question that will be put to our community about what I consider to be the rightful place of Aboriginal and Torres Strait Islander peoples in our Constitution? They said that part of that needs to be an understanding of the time frame in terms of when a referendum will be held and that there also needs to be renewed commitment and urgency across stakeholders, particularly from the leadership in Australia. When they talk about leadership, they talk in particular about political parties and the need for multiparty support.

They also talk about the need for investment in raising the profile and understanding of recognition in the Constitution. They talk about the need for a circuit-breaker and I endorse that particular point. There is a need for a circuit-breaker, because we seem to have been talking about the general issues around recognition of Aboriginal and Torres Strait Islanders, and particularly since the expert panel tabled its report there has been this constant talk about it, which is good—I am not saying it is not good—but the point here is that we need to be moving on.

The committee also said that there needs to be an immediate imperative to remove any sense of ambiguity. I think that is particularly important. Australians do want to move on to recognising Aboriginal and Torres Strait Islanders in our Constitution and the fact that they were here before European settlement. They make the point about crystallising the question to be put to Australian voters and that it needs to be more than symbolic. But, while they are saying it needs to be more than symbolic, they are also saying that we should not underestimate the importance of the symbolism that will come with it. Finding that right balance between symbolic, symbolism and substance in the change is really important because the overwhelming message that comes through not only in their report but also in the other work that has been done is that there has to be substance to the change.

The committee also talked about the general community but in particular the fact that the people they spoke to also talked about the need for support for recognition by the Aboriginal and Torres Strait Islander peoples. They also made the point in their report that people were concerned about special treatment of Aboriginal and Torres Strait Islander peoples. My note
here is that part of the awareness process and why we need to be talking about why recognition is needed is recognising the special place that Aboriginal and Torres Strait Islanders as the original peoples of this land have and why that needs to be recognised. They also briefly touch on the issues that people have raised about sovereignty and treaties, the point being that no treaty was ever made between the Aboriginal and Torres Strait Islander peoples and European settlers or, as some people would say, invaders. Sovereignty was never ceded and a treaty or treaties were never made. The issues around a treaty or treaties are constantly brought up and they question whether people's eventual ability to seek a treaty or treaties would be undermined by constitutional recognition. I am convinced by the legal argument that in fact it will not. People might want to take up that issue down the track. It is an issue that is coming up.

The committee make the point that they see some key issues as being important in the process of recognition when we amend the Constitution and that is the place of a statement of recognition, whilst getting rid of clause 52, the race clause. The other race clause is section 51(xxvi). That needs to be reformulated in some way to avoid the potential for perverse outcomes, particularly relating to the Commonwealth's responsibility and ability to make laws for Aboriginal and Torres Strait Islander peoples, which, certainly on my understanding, is what people, overwhelmingly, still want the Commonwealth to do.

The important point they make about timing is that it needs to be done by the first half of 2017, which is slightly in conflict with the joint committee that, last week, made a statement that said it should be on or before the election. The first half of 2017 still expresses the point that it needs to be done sooner rather than later and that there is a deep concern that it will certainly lose momentum if we go beyond 2017.

Another recommendation they make is the need to amend the Aboriginal and Torres Strait Islander Peoples Recognition Act 2013, which has a sunset clause of 2015. I think it is patently obvious to everybody that we are not going to make 2015 as a possible referendum date. Therefore, it is particularly important—and it is an important point they make—that that act be amended, because it would be very unfortunate if that act disappeared in its sunset clause by 2015.

We have not yet finished our journey on the recognition of Aboriginal and Torres Strait Islander peoples. We are on a journey. It is very important and absolutely essential that we get this right but not let it go out too far. We need to be raising awareness, we need to be investing, we need that circuit-breaker and we need leadership by this parliament. The Greens are certainly committed to do our utmost to ensure that we are moving towards formulating a question and ensuring that we get a good outcome from a referendum to recognise Aboriginal and Torres Strait Islander peoples in our Constitution, bearing in mind that they are not recognised or even mentioned in our Constitution. And, until we fix that, I do not believe that we have a strong and effective Constitution if the people who were in this land before European settlement are not recognised. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
SENATE
Monday, 22 September 2014

BILLS
Business Services Wage Assessment Tool Payment Scheme Bill 2014
Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014

Explanatory Memorandum
Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:29): I table addenda to explanatory memoranda relating to the Business Services Wage Assessment Tool Payment Scheme Bill 2014, and the Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014. These addenda respond to concerns raised by the Scrutiny of Bills Committee.

COMMITTEES
Community Affairs Legislation Committee
Additional Information
Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:30): On behalf of the Chair of the Community Affairs Legislation Committee, Senator Seselja, I present additional information received by the committee on its inquiry into the Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014 and related bill.

Economics Legislation Committee
Report
Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:30): I present the report of the Economics Legislation Committee on the Corporations Amendment (Streamlining of Future of Financial Advice) Bill 2014, together with the Hansard record of proceedings and documents presented to the committee, and move:
That the report be printed.
Question agreed to.

Parliamentary Joint Committee on Intelligence and Security
Report
Senator FAULKNER (New South Wales) (17:31): I present two reports of the Parliamentary Joint Committee on Intelligence and Security: Review of the listing of Boko Haram, Review of the re-listing of the Islamic State, and Review of administration and expenditure No. 11 and No. 12—Australian Intelligence Agencies.
I seek leave to move a motion to take note of the reports.
Leave granted.
Senator FAULKNER: I move:
That the Senate take note of the reports.
On behalf of the PJCIS I do present these two reports to the Senate: Review of administration and expenditure No. 11 and No. 12—Australian Intelligence Agencies, and Review of the listing of Boko Haram, Review of the re-listing of the Islamic State.

The committee is required by the Intelligence Services Act to review the administration and expenditure of the agencies of the Australian intelligence community, and this report covers two financial years: 2011-12 and 2012-13. The committee received comprehensive submissions for both these years and conducted private hearings with each of the agencies, the Inspector General of Intelligence and also Security and also the Australian National Audit Office. The committee was satisfied that agencies are currently overseeing their administration and expenditure effectively.

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 continued to have the necessary resources to address and target Australia's national security priorities to the appropriate degree to ensure that Australians are protected against threats to national security.

The PJCIS found that the ongoing impact of the efficiency dividend and other savings measures was placing increasing pressure on AIC agencies. Since 2010 agencies have warned of the potential impact on operational capability. This was reiterated even more strongly in this review, with the clear message that any additional cuts would lead to capability reductions. For this reason, the committee has recommended that the government review the continued application of the efficiency dividend and other savings measures to AIC agencies. The committee considers that particular consideration should be given to the cumulative impact of these measures on operational capacity, including optimal staffing levels and the ongoing ability of these agencies to protect Australia's national security.

The committee also reviewed the making of regulations to list Boko Haram and re-list the Islamic State as terrorist organisations under the Criminal Code. This is the first time that Boko Haram has been listed by the Australian government. The group has launched attacks of increasing violence and sophistication since 2009. In the period between 2011 and 2014 29 terrorist attacks were claimed by, or reliably attributed to, Boko Haram. In addition to assassinations of political, military and religious figures, the group has increasingly targeted noncombatants, including attacks on schools, markets, churches, residential areas and bus interchanges, which have killed hundreds of civilians. The group has also turned to kidnapping, including the April 2014 kidnapping of more than 200 girls from a secondary school in Borno state—and I am sure that incident is very well known to all senators. Boko Haram is listed as a terrorist organisation by the United Nations and by other governments, and, I can report to the Senate, is not involved in any meaningful peace negotiations. The PJCIS fully supports the listing of Boko Haram as a terrorist organisation under the Criminal Code.

So let me now move to the relisting of Islamic State. Islamic State is an organisation which has been known under several different names. The first listing of the group for proscription purposes was in 2005 under the Arabic name that it formerly used. It was relisted in 2007 under the same name. In 2008 and 2010 and July 2013, it was relisted under the name 'al-Qaeda in Iraq', or AQI. More recently, the group was also listed under the name 'Islamic State of Iraq and the Levant'—ISIL. On 29 June this year, the group proclaimed an Islamic
caliphate in areas it controls, and it changed its name to the Islamic State. The use of the name 'Islamic State' does not represent a change in the leadership, membership or methods of the group that was originally proscribed in 2005, but reflects the explicit name change of the group, the expansion of its operating area and announcement of an Islamic caliphate. Legal advice provided to the Attorney-General confirmed that it would be appropriate to make new regulations under the new name of 'Islamic State' but with the retention of the well-known aliases, including ISIS and ISIL. The use of the label 'Islamic State' for this Criminal Code listing does not in any way legitimate the organisation's claim to have established a caliphate; rather, the relisting of the group as the Islamic State is very important so as the continuity of the terrorist activities of this organisation is reflected, and is also critically important to ensure the clear application of the terrorist listing legislation.

Islamic State has been described to the PJCIS as one of the world's deadliest and most active terrorist organisations. The Islamic State conducts daily attacks on security forces and civilians. In Iraq, the group aims to destroy public confidence and provoke widespread revolt against the government, as well as undermining efforts to contain the group. In Syria, its targets include the regime of Bashar al-Assad, some armed opposition groups and Turkish and Kurdish militants.

The PJCIS fully supports the relisting of this group on the basis that it continues to engage in and to advocate terrorist attacks. The committee also maintains the view expressed in an earlier report that the strong links to Australia are a significant additional factor in the proscription of this group. We have heard that there are about 60 Australians fighting in Syria and Iraq, with about another 100 people in Australia believed to be providing active support. The committee therefore does not recommend disallowance of the regulation listing the Islamic State as a terrorist organisation under the Criminal Code.

Question agreed to.

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. Documents are tabled in accordance with the Senate order on departmental and agency files. A document is also tabled in accordance with an order for the production of documents relating to unanswered estimates questions.

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

COMMITTEES

Membership

The DEPUTY PRESIDENT (17:42): Order! The President has received letters from party leaders requesting changes in the membership of committees.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:42): by leave—I move:

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

Community Affairs Legislation and References Committees—
Appointed—Participating member: Senator Rice
Economics Legislation and References Committees—
Appointed—Participating member: Senator Rice

Education and Employment Legislation and References Committees—
Appointed—Participating members: Senators Rice and Wang

Environment and Communications Legislation and References Committees—
Appointed—Participating member: Senator Rice

Finance and Public Administration Legislation and References Committees—
Appointed—Participating member: Senator Rice

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating member: Senator Rice

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the Guardian for Unaccompanied Children Bill 2014

Participating members: Senators Rice and Wright

Legal and Constitutional Affairs References Committee—
Appointed—Participating member: Senator Rice

Rural and Regional Affairs and Transport Legislation and References Committees—
Appointed—Participating members: Senators Lazarus and Rice.

Question agreed to.

The DEPUTY PRESIDENT (17:43): The President has received a message from the House of Representatives informing the Senate of the appointment of Mrs Prentice to the Joint Standing Committee on Foreign Affairs, Defence and Trade in place of Mr Simpkins.

BILLS

Minerals Resource Rent Tax Repeal and Other Measures Bill 2014
Energy Efficiency Opportunities (Repeal) Bill 2014
Social Services and Other Legislation Amendment (Seniors Health Card and Other Measures) Bill 2014
Classification (Publications, Films and Computer Games) Amendment (Classification Tools and Other Measures) Bill 2014
Corporations Amendment (Simple Corporate Bonds and Other Measures) Bill 2014
Land Transport Infrastructure Amendment Bill 2014
Meteorology Amendment (Online Advertising) Bill 2014

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.
COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Report

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (17:43): Pursuant to order and on behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Macdonald, I present the report of the committee on the provisions of the Migration Amendment (Protection and Other Measures) Bill 2014, together with the _Hansard_ record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS

Omnibus Repeal Day (Autumn 2014) Bill 2014

In Committee

Debate resumed.

The CHAIRMAN (17:44): The committee is considering Australian Greens amendments (1) to (4) that have been moved together by leave by Senator Ludlam but will be put separately.

Senator WATERS (Queensland) (17:45): If I could seek some clarification. Senator Ludlam mentioned that he thought he had moved amendments (1) and (3) on sheet 7566 but had not yet moved amendments (2) and (4). I seek your guidance as to whether all four have already been moved?

The CHAIRMAN: He moved them all. Two of the amendments are consequential to the other two, so we will deal with them as two separate groups. *(Quorum formed)* We are at the point where the question before the chair is that items 5 to 16 on schedule 2 stand as printed.

Senator XENOPHON (South Australia) (17:48): If I could seek some clarification. I filed an amendment that is on sheet 7567. I take it we have not got to that yet, as I have not formally moved it. These are Senator Ludlam's amendments?

The CHAIRMAN: Yes.

Senator XENOPHON: Thank you.

The CHAIRMAN: Your amendment came in just as we were wrapping up for question time.

Senator XENOPHON: Can I express my gratitude to the Clerk's office and to the Assistant Clerk for doing that in record time? It was on the run, so to speak.

The CHAIRMAN: The question is that items 5 to 16 on schedule 2 on sheet 7566 stand as printed.

Question agreed to.

The CHAIRMAN: Given that the next two amendments are consequential to the last question, do you require me to put those amendments?

Senator Waters: Yes.

The CHAIRMAN: All right. I will go through the formal process. The question is that amendments (1) and (3) on sheet 7566 be agreed to.
Question negatived.

The CHAIRMAN: Senator Xenophon, this would be a good time for you to move your amendment.

Senator XENOPHON (South Australia) (17:49): It is always a good time to movement amendments. I move the amendment on sheet 7567:

(1) Schedule 2, page 11 (line 7), omit the heading.

(2) Schedule 2, items 17 to 23, page 11 (line 8) to page 12 (line 16), to be opposed.

This deals with the discussion that was held shortly before question time. This amendment will ensure that what is proposed by the government, that it merely becomes desirable for ACMA to look at certain matters, is taken out of the bill, that we leave the status quo so there is a greater sense of urgency and a greater need for an investigation of interactive gambling by ACMA.

My concern relates to the Interactive Gambling Act that was introduced back in 2001 by the coalition. And I remember it well—I was a state member of parliament and lobbied furiously for the act back then. The government's legislation will make the act weaker because ACMA has a key regulatory role to ensure that the Interactive Gambling Act is being complied with. This omnibus bill, under the pretext of ensuring less red tape, will actually reduce consumer protection. It will actually make it less likely that there will be an investigation into breaches of the Interactive Gambling Act by ACMA because ACMA's discretion and latitude will be so broad that there will be no reasonable prospect, I think, of these investigations taking place to the same degree that they have taken place in the past. I am concerned that having a general discretion to investigate will actually weaken consumer protections. This is a retrograde move. It is a move that goes against what the coalition was intending to do back in 2001 and I oppose it. My amendment will ensure that this broader discretion, this weakening of the legislation, does not take place. That is, in essence, what I am proposing to do with this amendment. If my colleagues in this chamber think this is a minor problem, then I urge them to think otherwise. More and more Australians are falling prey to unscrupulous operators all over the world who target Australians with online gambling problems.

An effective enforcement regime relies on ACMA investigating and working in conjunction with the Federal Police. I know that from the constituents I have dealt with who have been deeply affected by this. If this Omnibus Repeal Day (Autumn 2014) Bill 2014 is passed without my amendments, it will send a green light to the shonks in Gibraltar and other parts of the world. It will tell them that they are less likely to be detected and less likely to be affected by a police investigation. This is because the key regulatory body, ACMA—that first port of call—will simply be less likely to be investigating such matters.

Senator POLLEY (Tasmania) (17:53): Labor will not be supporting these amendments. Whilst we acknowledge Senator Xenophon's concerns and long-held interest in this area, Labor does not believe that the effect of the provisions contained in this bill warrant the amendments that Senator Xenophon has proposed. As with the amendments from Senator Ludlam relating to the change from ACMA having a duty to investigate to it having a general discretion under the Broadcasting Services Act 1992, in order to allow for greater consideration Labor would have preferred to have received greater notice that these
amendments would be moved. Labor supported this bill through the House on the basis that it makes minor amendments and repeals spent legislation. We have not identified any adverse consequences arising from the changes imposed by the bill. Labor opposed similar amendments from Senator Ludlam relating to the effect of the bill in altering ACMA’s responsibility to investigate from a duty to a discretionary power. We oppose these amendments on a similar basis.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:54): The appropriate minister is otherwise detained, so he has asked me to have carriage of this briefly, Senator Xenophon. In relation to Senator Polley's comments, my understanding is that this bill went to a committee. So I think there has been plenty of notice about what the contents of the bill are. If I am wrong, then I am wrong.

Senator POLLEY (Tasmania) (17:55): I am talking about the amendments.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:55): I would not have thought the amendments would have required much discussion if you supported the bill, which you do. I thank the opposition for its support. There is the discretion to investigate. ACMA have the discretion to investigate a complaint if ACMA considers there is merit in doing so. My understanding is that this discretion is consistent with other Commonwealth regulators. The overriding consideration for ACMA when exercising its proposed discretion will be public interest, having regard to general administrative law principles and the objects set out in the legislation.

From these notes I have just had a quick look at, I do note that the decision not to investigate a complaint could be referred to the Commonwealth Ombudsman for investigation. In some circumstances, it might also be subject to judicial review. These provide important accountability mechanisms for ACMA when exercising its discretion. Providing ACMA with appropriate discretion will mean that service providers and ACMA will no longer need to devote time and resources to complaints that ACMA considers to be minor or trivial or which can be resolved without a formal investigation process.

I am acutely aware of Senator Xenophon's longstanding interest in this area. But my very strong view and the government's very strong view is that the decision about whether there is merit in investigating these complaints should be made by ACMA. There are other means of appeal if people are aggrieved by ACMA's decision. But I think this will make for a more seamless approach by ACMA. Indeed, it will enable them to get on with the real issues and not deal with trivial matters, as they are required to under the legislation.

Senator XENOPHON (South Australia) (17:57): I thank the minister for his answer. I want to make one point before I put a specific question to the minister. Make no mistake—and the opposition should be aware of this as well—if you make the change that is proposed by the government in this bill in relation to complaints to do with online gambling, you will weaken the provisions that provide some framework of protection to consumers. You will weaken some avenues of redress for consumers, because the change would mean that ACMA can say it is not desirable to pursue them. It is a much broader discretion. There will be fewer cases investigated. The shonky online gambling operators from around the world will know that the chance of detection or prosecution will be reduced even further with these changes.
Sending a green light to those shonks who destroy people's lives is not the direction we should be heading in.

The specific question I have for the minister is: does he concede that the ability for the Commonwealth Ombudsman to be involved in a review of a decision—or the circumstances in which that will occur—will, of necessity, be more limited than they are in the current legislation? In other words, there is less scope for the Ombudsman to be involved in matters of review because it is now much more difficult to get to that threshold at which the Ombudsman can be involved—by virtue of having a 'desirable to do so' test.

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (17:58): I think the important issue here is that this legislation is not about providing ACMA with an excuse to do nothing. This is providing a level of discretion for ACMA in relation to minor or trivial matters. I imagine the Commonwealth Ombudsman would be involved on only the rarest of occasions because ACMA still has responsibilities under the act. ACMA's responsibilities are quite clear. The principle that underpins both those two acts are quite clear. This is seeking to take out of the present act the obligation to investigate in every single situation and there are, Senator Xenophon, a number of examples of where the non-discretionary requirement has required ACMA to investigate matters which, quite frankly, were just a waste of resources. One was a complaint under the broadcasting act in 2004, which took five years to make, about whether a snake on a Channel 7 report was a big snake or a little snake. This is about strengthening ACMA. This is about providing the opportunity for ACMA to put its resources into issues which it views as non-trivial. They are the sorts of powers and the opportunity that ACMA needs to get to the shysters you are talking about because at the moment there is no discretion. When there is no discretion, they are required to investigate every single matter, which I can only assume takes up enormous resources.

We are as anxious as you are, Senator Xenophon, to make sure that ACMA has the very best opportunity and the very best resources to investigate the shysters and those who are creating the misery and not to have a legislative requirement to investigate every single trivial complaint, which can only, as a matter of course, as I am sure you understand, impact on ACMA's ability to do the real work.

Senator XENOPHON (South Australia) (18:01): I do not quite follow what the minister said a moment ago. Is the minister saying that ACMA will now have more resources to deal with matters as a result of these amendments? It seems to me that these amendments effectively mean that ACMA, if it does not have the resources, can more easily say, 'We cannot investigate this matter because we don't have the resources and we don't have a statutory obligation to do so.' My specific question to the minister, which I ask respectfully again, is: does the minister concede that, in respect of these proposed changes to the legislation, the discretion for the Commonwealth Ombudsman to be involved under his or her statutory power is being circumscribed by virtue of these changes? In other words, the circumstances in which the Commonwealth Ombudsman can undertake an investigation within his jurisdiction is now being restricted to some degree as a result of these changes—yes or no?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (18:03): I just
cannot see any instance where the scenario being painted by Senator Xenophon would occur. I suppose my answer to his question is no. I note—and this may be of interest to Senator Xenophon—that gambling policy, of which interactive gambling is a part, has been reviewed through a national process led by Minister Andrews. I would assume that Senator Xenophon will want to make an input to that process.

The CHAIRMAN: The question is that items 17 to 23 of schedule 2 stand as printed.

The Senate divided. [18:08]

(The Deputy President—Senator Marshall)

Ayes ......................34
Noes ......................15
Majority .................19

AYES

Back, CJ
Bilyk, CL
Birmingham, SJ
Brown, CL
Bullock, J.W.
Bushby, DC
Cameron, DN
Canavan, M.J.
Colbeck, R
Edwards, S
Fierravanti-Wells, C
Gallacher, AM
Ketter, CR
Lines, S
Ludwig, JW
Macdonald, ID
Marshall, GM
McEwen, A
McGrath, J
McKenzie, B
McLachlan, J
Moore, CM
O’Neill, DM
O’Sullivan, B
Parry, S
Peris, N
Polley, H
Ronaldson, M
Ruston, A (teller)
Ryan, SM
Seselja, Z
Smith, D
Urquhart, AE
Williams, JR

NOES

Day, R.J.
Di Natale, R
Hanson-Young, SC
Lambie, J
Lazarus, GP
Madigan, JJ
Milne, C
Muir, R
Rhiannon, L
Rice, J
Siewert, R
Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N (teller)

Question agreed to.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (18:11): I move:
That this bill be now read a third time.

The PRESIDENT: The question is that the bill be now read a third time.

The Senate divided. [18:12]

(The President—Senator Parry)

Ayes ......................34
Noes ......................14
Majority...............20

AYES

Back, CJ
Birmingham, SJ
Bullock, J.W.
Cameron, DN
Colbeck, R
Edwards, S
Gallacher, AM
Lines, S
Macdonald, ID
McGrath, J
McLucas, J
O'Neill, DM
Parry, S
Polley, H
Ruston, A (teller)
Seselja, Z
Urquhart, AE

Bilyk, CL
Brown, CL
Bushby, DC
Canavan, M.J.
Day, R.J.
Fierravanti-Wells, C
Ketter, CR
Ludwig, JW
McEwen, A
McKenzie, B
Moore, CM
O'Sullivan, B
Peris, N
Ronaldson, M
Ryan, SM
Smith, D
Williams, JR

NOES

Di Natale, R
Lambie, J
Madigan, JJ
Muir, R
Rice, J
Waters, LJ
Wright, PL

Hanson-Young, SC
Lazarus, GP
Milne, C
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

Question agreed to.

Bill read a third time.

Health Workforce Australia (Abolition) Bill 2014

Second Reading

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

Senator McLUCAS (Queensland) (18:14): I rise to speak on the Health Workforce Australia (Abolition) Bill and I want to indicate that the Labor Party will be opposing this bill.

In the explanatory memorandum of this bill, it describes the purpose of the bill:
It will enable more efficient and effective delivery of policy and programme activities related to the health workforce, to ensure Australia continues to have a high quality, capable and well distributed health workforce, delivering frontline health services for all Australians.

That is simply not true. The word that I am offended by is the word 'continues'. We do not have a 'high-quality, capable and well-distributed health workforce' in this country. We do have a high-quality and capable health workforce, but frankly it has never been well distributed; that was why Labor in government established Health Workforce Australia.

We received no substantial evidence at the Senate Community Affairs Legislation Committee inquiry that would support the contention that was included in the explanatory memorandum. In fact, the overwhelming evidence points to the success of Health Workforce Australia and its success into the future. Many witnesses who came before our committee said that the work had not yet been completed. So Labor will oppose this bill here in the Senate. In saying that, can I say that the motivation from the government is purely political and frankly spiteful.

Labor established Health Workforce Australia through legislation in May 2009. This was partly in response to a Productivity Commission inquiry that was established in 2006. That was before Labor came to government, so the current government knows well and truly that our country has a problem in the distribution of our workforce. The Productivity Commission concluded that a more sustainable and responsive health workforce was needed. The report went further and highlighted the complexity of Australia's health workforce arrangements—the numerous organisations and agencies involved in health workforce education and training.

What we had at the time were many smaller agencies. There were inconsistencies between the states and territories. There were many different committees. Frankly it was a mess when it came to health workforce planning for the future. It was getting better, in terms of GPs. It was still not so great with specialists. In terms of nursing and allied health it was literally a mess.

So in 2008 it was an agenda item for COAG. The states and territories agreed that there was a need for a national independent health workforce agency to work across the Commonwealth, and states and territories. It was agreed that we needed an agency designed to deliver more effective, streamlined and integrated clinical training arrangements. But it was also agreed that this was not simply the province of state and territory governments or Commonwealth governments. We needed to include higher education providers, the training sector and the health sector. We needed to include employers, professional bodies and regulatory bodies, with the goal of building a sustainable health workforce for our country.

The key responsibilities of Health Workforce Australia were to include: funding, planning and coordinating clinical training across all health disciplines—funding simulation training, supporting health workforce research and planning, and progressing new workforce models and reforms. That was what health workforce was tasked with.

It began in 2010. It has been well supported by all the partners, and it has achieved results in its short lifetime. One example is the document 'Health Workforce 2025—Doctors, nurses and midwives'. It delivered evidence-based planning and avoided the peaks and troughs of workforce availability into the future. It was intentionally established as an agency independent from the Commonwealth but partnered by the Commonwealth, states and territories, and by a number of partners which I mentioned earlier.
There were a number of reasons it was agreed by everyone that an independent agency was required. Independence underlines and confirms that health workforce planning is not the province of the Commonwealth Department of Health alone. It has to include the states and territories, universities, health professionals et cetera. Recommendations could be made outside the culture, operations and political directions of the Commonwealth government of the day. It was agreed that we needed to have an independent agency to improve the evidence collection capability to best inform recommendations that were to be made to all stakeholders.

So it begs the question: why is this government so intent on bringing Health Workforce Australia functions into the Department of Health? In fact, the Mason review—quoted from so often during the inquiry established in 2013—recommended refinements rather than wholesale abolition and absorption or Health Workforce Australia into the department.

Outside of the real long-term benefits, we are seeing benefits happening right now. We are seeing improved clinical training. We have seen 8,500 new quality clinical training places across 22 disciplines. We have seen simulation training improve by 115 per cent. Health workforce research and planning has delivered a number of pieces of work—particularly Health Workforce 2025—but there are many other pieces of research that are informing decisions that states and territories, universities and training organisations are making, so that we will achieve a better distributed health workforce and improved clinical training.

Let me go to the distribution of the workforce. The misdistribution of the health workforce in our country has been an ongoing problem for many years. It is a problem that has had a number of policy responses over those years, mostly around financial incentives and scholarships programs. Success has been patchy. I have said that there has been improvement in the distribution of our doctors, particularly our general practitioners, but there is much more to be done.

Health Workforce Australia has undertaken some great work to provide the policy basis for health ministers to respond to. The Geographic Distribution: Medical Workforce project has had real potential to truly address some of the misdistribution issues. Further, the Rural Health Professionals Program aims to attract, recruit and retain nursing and allied health professionals from metropolitan Australia and approved overseas locations into rural and remote areas including into Aboriginal medical services and Aboriginal and Torres Strait Islander community controlled health services.

The expanded scope of practice program, while primarily intended as a strategy to boost productivity has also got potential to provide more services for people in regional, rural and remote areas. It is recognised that these are early days in the delivery of programs to address the health workforce distribution challenges that we have. There is so much more to be done. To that end, I do encourage senators with an interest in regional, rural and remote health to read the Hansard of the Community Affairs Legislation Committee inquiry into the health workforce bills and, particularly, the evidence from the National Rural health Alliance. Mr Gordon Gregory, when he was talking about his opposition to the abolition HWA, said:

The main reason for being concerned about the integration of the two agencies into the Department of Health is the impact this will have on the political importance and resources that will be attached to the work they have been undertaking to good effect.

He went on to say, 'Health workforce shortages are worse in rural and remote areas.' And he said, 'Data are harder to find.'
So I say to the minister and to the department, the flippant statement in the explanatory memorandum is simply not a good start. And the evidence from the department to our committee can only be described as dismissive and defensive. This is not a good start to incorporating an agency which relied on its independence to provide evidence based advice to all the relevant governments and also to industry and education.

Health Workforce Australia's reliance on evidence based policy and its preparedness to consult are to be commended. I commend those principles to the department given they are going to take on this work.

In conclusion, Labor does not support the abolition of Health Workforce Australia. In its short period of operation, significant gains have been made, gains that Labor is concerned will be eroded by its absorption into the Department of Health.

Finally, I do thank the staff of Health Workforce Australia. They have done some marvellous work. Labor certainly values the work that they have done. We thank them for it and wish them all the best in the future.

Senator LAMBIE (Tasmania—Deputy Leader and Deputy Whip of the Palmer United Party in the Senate) (18:26): On behalf of the people of Tasmania, I rise to contribute to this debate on the Health Workforce Australia (Abolition) Bill 2014. The purpose of the Health Workforce Australia (Abolition) Bill 2014 is to abolish the health Workforce Agency. This agency was established in 2010 with a view to fixing a problem this country has experienced for decades—namely, shortages across all of our medical workforce. Put simply, we do not have enough doctors, nurses, psychologists, dentists and specialists. This medical professional shortfall affects every Australian on a daily basis in every state including in my own state of Tasmania.

The crisis in the supply of medical professionals in Australia, particularly in the last decade, has become so severe our governments have chosen to steal and poach medical professionals from Third World nations. The crisis in our health workforce leads us to poach health professionals from their own countries. On the whole, the level of healthcare provided by overseas medical professionals has been as good as the level of healthcare provided by Australian trained doctors and specialists. However, there have been a number of spectacular failures, which have cost the lives and wellbeing of many Australians. While those failures reflect poorly on those doctors and medical professionals who became and who are a serious threat to the public health system, those failures have reflected even more poorly on the government authorities and medical professional oversight bodies who had responsibility to protect the public from dodgy doctors.

Bodies such as AHPRA, the Australian Health Practitioners Registration authority and the AMA have a long history of turning a blind eye to doctors accused of serious crime and misconduct. AHPRA in particular is in need of major reform. Most Australians would be shocked to learn that the authority that has the responsibility of registering and of disciplining doctors is funded by doctors, run by doctors and is essentially doctors disciplining doctors—Caesar judging Caesar; judge and jury all in one. There needs to be a better, more open, transparent and independent way of registering and disciplining doctors. The current system is open to corruption and dysfunction—indeed, I have evidence of both—and fails to properly protect the public from criminal or incompetent medical professionals.
This system was deliberately designed to cut out all levels of accountability and transparency while doing completely the opposite. Most would also be shocked and alarmed to learn that no state or federal health minister, apart from in Queensland, has the power to deregister a doctor. This is a power and privilege only available to the doctors who control AHPRA. With such a flawed national doctor registration system, it is even more important that as a nation we properly plan for the health workforce.

**Proceedings suspended from 18:30 to 19:30**

**Senator LAMBIE:** I rise to continue my speech on the Health Workforce Australia (Abolition) Bill 2014. With such a flawed national doctor registration system, it is even more important that as a nation we properly plan for the health workforce. So it is deeply disappointing that this government has taken a course of action which essentially strips an independent medical workforce planning agency of resources and staff.

We have systemically failed for decades at a national level to properly plan a workforce this country needs, not just today but into the future. This has this led to a slip in the standards of care, where there are shortages of medical professionals. Those that are most acutely affected are our rural areas—areas like Tasmania, my own state. A report by respected Tasmania health policy academic Martyn Goddard was recently made public and cased important public debate. The following are key points made by Mr Goddard in his report:

- Tasmania has 2.3 per cent of Australia's population but three per cent of its deaths.
- That extra amount above the state's population share represents about 1,000 deaths a year.
- Those 1,000 deaths represent almost a quarter of all Tasmanian deaths.
- The average cost of inpatient care for a person in the last two years of life is about $30,000.
- This costs the state over $30 million more than would be the case if deaths were distributed evenly around the nation in line with the broad population.
- The reason for the state's high death rate is found in its demographics. Tasmanians tend to be older, poorer, sicker and less well educated than mainlanders. They are also more likely to smoke and even at birth have a lower life expectancy.
- Tasmania is compensated by the federal GST redistribution system for the effect of its demographics on health and hospital costs. In 2014-15 this state will receive an extra $84 million for inpatient costs from the GST pool and $85 million for higher-than-average costs of primary care, outpatients and other state government health costs.
- Unlike other beneficiary states, Tasmania does not spend this money on health. Instead, it goes to support the state government's overall budgetary position.
- If this $84 million in top-up money for inpatient care was spent on the purpose for which it was given, it would pay for the treatment of about 16,000 patients with an average range of conditions, assuming national-average treatment costs.

Our Tasmanian public healthcare system is in crisis. Elective surgery waiting lists have blown out. That has been caused by a number of reasons. Poor management by the Labor-Greens coalition is one of the main factors. A number of serious matters regarding our public health crisis were raised in May in the Tasmanian Commission of Health report; however, one of the first questions that must be addressed is: Do we have enough public hospital beds and associated clinical staff to deliver a safe and high-quality public health system to Tasmania?
The AMA reports that the Australian average is 2.6 public hospital beds for every 1,000 head of population. That means that, with approximately 507,000 people, Tasmania should have 1,318 public beds. Appendix D of the latest Commission of Health report shows that there are a total of 1,188 public beds available for sick Tasmanians requiring medical treatment in a hospital. These figures prove that just to reach the Australian average, Tasmania needs an immediate increase of 130 properly funded and clinically staffed public-hospital beds.

I acknowledge that, in the short to medium term, Tasmania's private health system, which has extra bed capacity, must play an important role in delivering lifesaving and enhancing operations to Tasmanians stuck on public waiting lists. However, in the long term a greater investment must be made by our state and federal governments into our public healthcare system. This means that, if we want our children appropriately cared for, we should at the very least aim to have a Tasmanian public hospital bed per thousand-population ratio, currently at 2.35, raised to our national average of 2.6. I call on the federal government to ensure Tasmania receives sufficient funds to address and solve our public health care crisis. It is a life and death issue which has been caused by a lack of planning for well over a decade and beyond.

I understand it is not unique to Tasmania. In Queensland and Western Australia, the constituents my Palmer United Party colleagues, Senator Lazarus and Senator Wang, represent sometimes have to drive for hours and hours just to see a doctor, a specialist or a dentist. In some country towns in these states, pregnant woman are forced to travel to city areas to deliver their babies. I have constituents in Tasmania who need critical psychological care and have to get on a boat or a plane and travel to the mainland just to see a psychiatrist.

As early as 2005 the Productivity Commission told the federal government of the day, the then Howard government, about this problem. What happened? Nothing happened. After being advised they had a very serious and critical problem in meeting the health needs of the nation, they did nothing about it. The coalition government did nothing in 2005, nothing in 2006 and nothing in 2007. The Labor government were aware of this problem when they took office in 2007. Despite that, it still took them three years to act.

Finally, after years of health workforce debacles, years of public debates, years of media reports of understaffing, and the employment of under trained and in some cases unsafe medical professionals, Labor did something about this critical issue affecting all Australians, including people across my state of Tasmania. They established Health Work Force Australia in 2010 to properly plan our medical workforce for today and for the future of this country. Given time, Health Workforce Australia could have fixed some of the health problems faced by Tasmanians forced to travel by boat or hundreds of kilometres to receive basic medical care, and today this government bill seeks to abolish that agency. In fact, the government critically wounded the agency to the point where it has been on life support. The question that remains for the Senate is whether we switch off the life support system for Health Workforce Australia. That is not an ethical way to run a government, but that is how this government has chosen to deal with these agencies: shut them down and then seek Senate support to repeal the bills that established them.

The problem is that, until the bills are repealed, certain costs with regard to these agencies cannot be avoided. Costs include paying a CEO more than $300,000 a year to do nothing.
Ongoing costs include rent that cannot be avoided—a total waste of taxpayer money. On that basis, the Palmer United Party has no choice but to support both bills to repeal these agencies and prevent further taxpayer money being wasted. The government clearly has a set agenda. They had, and have, no intention at all of negotiating this health matter in good faith. That worries me because one of the bigger issues in health is the matter of a $7 co-payment or, to be more correct, a $7 tax on sick and dying people.

I thank the health minister and his staff for the briefing we recently received. However, during that briefing it became obvious that the real spike in rising costs to the Medicare system began in 2004-05 when the then Howard government began to pay incentives for GPs to bulk-bill patients. The incentive was around $9 per patient in Australian rural areas and Tasmania and around $6 in the cities. The graph the minister supplied in his briefing clearly showed the bulk-billing Medicare expenditure steeply climb from 2004-05 when compared to non-bulk-billed Medicare expenditure. In other words, a significant incentive was given to GPs to bulk-bill patients. This policy saw some unscrupulous GPs beginning to run patients through on six-minutes consultations, all bulk billed and all with an incentive payment from the government. Not long after that, super clinics began to pop up. Some could argue that these clinics focused on the budget bottom line rather than on delivering good medicine to the patients they were seeing.

When they sat down to look at their budget, the government did not ask themselves what was causing our Medicare costs to blow out. They did not consider it may have been their own policies when they were in government all those years ago that began to change the culture of doctors and increase costs on the system. They never said, 'Let's re-educate doctors about the appropriate use of this incentive payment with a view to reducing the bottom line.' They never said, 'Let's crack down on Medicare fraud.' Instead, they said, 'Let's punish the public. Let's charge the public more money.' Their intention is to punish the public with a $7 co-payment, and that is just not fair. The public should not pay for your past mistakes, and that is exactly what you are making them do.

Senator SESELJA (Australian Capital Territory) (19:41): I am pleased to speak in support of the Health Workforce Australia (Abolition) Bill 2014 this evening. It is worth saying at the outset that the debate over the abolition of Health Workforce Australia is not a debate about whether you want to engage in health workforce planning; it is a question of how you do it and working out what is the best vehicle for that. The coalition has very clearly formed the view, correctly, that Health Workforce Australia, whilst it may have been well intentioned some years ago, has not worked out. I will go to a couple of the ways it has not worked out as may have been intended when it was put together a few years ago.

The bill will streamline the delivery of health workforce policy and programs through removing an unnecessary level of administration and bureaucracy. Over the last six years the health bureaucracy has continued to increase in size and, more importantly, in complexity with 21 standalone agencies operating outside the portfolio department. That is something that we have seen in other portfolio areas as well. It is one of the areas that the coalition wanted to address. Having something like 1,000 agencies in the Commonwealth does not make good sense. There is cause to consolidate many of those agencies in order to make sure that they are delivering in the most efficient and most effective manner for the Australian people.
The coalition government is determined to get every possible dollar onto the front line in order to make every dollar spent on behalf of our community as effective as possible, so that we do health workforce planning in the most effective way—not in a way that, as I said, may have been well intentioned but has not worked out.

Health Workforce Australia was established under the now expired four-year National Partnership Agreement on Hospital and Health Workforce Reform, agreed by the Council of Australian Governments in November 2008. Health Workforce Australia became operational on 1 January 2010. Fundamentally—and I think this is one of the strongest arguments in favour of this bill—all Australian governments were to provide funding to Health Workforce Australia. However, the states and territories have not contributed any funding as agreed. The Commonwealth government, in partnership with the states and territories, agreed to fund it to the tune of over $1 billion and the states and territories promised to do their bit to the tune of around half a billion dollars, but they have not come to the party. So we have a model where the Commonwealth becomes the sole funder, yet the states and territories, as part of that agreement, effectively get to be there as part of the government's arrangements. For me, that is at the heart of why this legislation is important.

Programs and functions of Health Workforce Australia have transferred to the Department of Health. This government is not withdrawing support for the health workforce; it is delivering on its commitment to reduce red tape and streamline programs. Savings will support frontline health services and programs.

The coalition has a strong record of making sensible investments in Australia’s health and medical workforce. The previous coalition government invested in nine new medical schools, which has resulted in an increase in medical students graduating now. The number of domestic school graduates per year has more than doubled since 1996.

The government has committed to doubling from $100 to $200 the Practice Incentives Program teaching payment for each three-hour teaching session provided to a medical student. It will better compensate general practices for the consultation time dedicated to teaching, it will encourage more general practices to provide much needed teaching opportunities and it will work to strengthen the future workforce. The measure will benefit approximately 3,000 general practices that are expected to provide PIP teaching sessions. It is expected that approximately 20,000 students per annum will be provided with PIP teaching sessions. A rural loading of up to 50 per cent will also be applied to payments to practices in rural and remote locations.

The government is also investing $40 million in up to 100 additional medical internships each year in non-traditional settings, including private hospitals in regional areas. This will provide more certainty for students and alleviate pressure on public hospitals for training. Priority will be given to positions and rotations outside major metropolitan centres to bolster the medical workforce in rural and regional areas.

The coalition will provide infrastructure grants to general practices on the basis of an equal commitment from the practice. This will leverage private investment and help ensure efficient and productive use of resources. The government has committed to provide up to 175 grants for rural and remote general practices to expand facilities to support teaching and training of medical students and registrars. The grants of up to $300,000 will be provided to successful applicants and require a matched contribution from the practice. The measure will benefit
GPs, registrars, medical students and communities situated in inner regional, outer regional, remote and very remote Australia where the grants will be targeted. These practices face unique challenges in the provision of health care.

The government will also significantly expand the number of GP training places. GP training places will increase by 300—from 1,200 to 1,500—new places in 2015. The significant increase in GP training places will create more vocational training opportunities for this workforce, freeing up more junior doctor training positions for new graduates coming through. The Australian General Practice Training program, which the government's commitment will expand, has a distribution target that requires 50 per cent of training to occur in rural and remote locations.

I commend the bill to the Senate.

Senator MOORE (Queensland) (19:47): It is a real pleasure to be able to speak tonight about my admiration for Health Workforce Australia. Even though we stand here tonight speaking with great passion about the worth of this group and the work that they have done, we know that the government has already disbanded them. Most of the work has already happened. I am sure the property is being sold. People have already moved. People know who has got their job and who has not. But regardless of that process it is still important to talk about the concerns that were shared with us in our committee about why the government has decided to make savings—and 'budget savings' is the only reason they are able to put forward as to why Health Workforce Australia is no longer with us. There were no questions about why Health Workforce Australia was set up. There were no questions about the efficacy of what they did. There were no questions about the importance of the work they did or indeed the fact that they had a forward plan already in place, already approved by their board, to look at work into the future. There were no questions about that.

We had a considerable discussion about the fact that this particular organisation was originally set up after a Productivity Commission report that talked about the need for a coordinated response to the health workforce in our nation. Again, this is an issue about which there is no debate. There is agreement that there must be a form of coordinating workforce in our nation so that we can effectively respond to the differing needs of our nation and so that we can work with people across state boundaries and professional boundaries and have a shared commitment to meeting those needs.

When Health Workforce Australia was put in place the terms of reference were very clear. It was set up to ensure that there was a coordinated response, it was there to plan into the future and it was there to ensure that there was an effective program that looked at innovative ways to look at training to make sure that we had the best trained workforce in our country.

In evidence to the inquiry that we held, a range of professional groups, consumer groups and people from the community all talked about how much they valued the services that were provided by this organisation. It is on the Hansard record. A number of submissions came through and we had very detailed Hansard processes. I would like to quote from a few of them because I think it is important to hear from the people who work in the industry about their concerns about this government decision and about losing this valuable process that we had. The Royal Australasian College of Physicians, in its submission to the inquiry, said:

The core functions currently performed by HWA are becoming more rather than less important. Driven by Australia’s aging population, increasing levels of chronic disease and the emergence of new
healthcare technologies, there will be a need for changing models of healthcare which in turn dictates changing workforce needs. Hence, there is a significant imperative for the timely collection and analysis of detailed and accurate health workforce data. This data needs to be able to be considered at a national, State and local level. HWA’s health workforce data collection and analysis functions also need to be seen in the broader context of its role in facilitating and developing new models of care … The continuation of these related functions needs to be assured following the abolition of HWA.

So the people who are involved in the area were also aware that the government was not going to be diverted from its publicly stated position that was announced rather than debated in this place. The government announced that Health Workforce Australia was going to close. My understanding and also the understanding that was presented at our Senate committee was that there had not been extensive consultation with the industry. There had not been engagement with the range of people who were all too willing to come and talk to us at our Senate inquiry. We had no problems, with the very short time frame we had, in having a range of people wanting to come and tell us about how much they had considered the roles which had been carved out by Health Workforce Australia, that they had worked with their board and had engaged with, as I have said, all states and territories and all professions and had come up with an analysis of what we needed in terms of an effective workforce to respond to the needs of our nation.

The best we could get from the department when they came to give evidence at our inquiry was that the roles would continue, only this time in the department. We thus heard from Senator Seselja about some of the key programs which will be maintained. We still do not have a full list and a commitment into the future. What would be very useful to see and what I asked for was some commitment around the forward plan that Health Workforce Australia had developed—to see a graph, to see all the work that was on that plan, which had been endorsed by the board and industry, and to see which of those were going to be fully funded and implemented by the government into the future. There are some and I think that needs to be acknowledged. Some of my personal favourites are the training aspects and the incredible work that Health Workforce Australia has done using simulated training. This is an area that is becoming particularly relevant across a whole range of professions in this nation where they can have training that can be done not necessarily in the actual workplace but whereby people can actually get their training in a simulated way, which is fully accredited and acknowledged and which uses the best possible development. That came up consistently as an important area that needed to be continued and my understanding is that the government will continue to do that. I sincerely hope so because of the considerable investment that has been placed in setting up that program, in having it there and ensuring the knowledge base. There is no reason why that workforce training should not continue into the future.

What I think is most distressing about the process is that the need was identified through the Productivity Commission and through the engagement of people in the community that the most effective and indeed engaging way to get the work, the analysis and the independence was to have a statutory body which was separate to the department but naturally cooperating with the department, because that is the way it operates. There would be work and tasks being undertaken by the department consistently but working with Health Workforce Australia, which was specially tasked and funded to do a range of jobs. They
would be able to complement each other, work effectively together and fulfil the needs that had, jointly, been agreed to be undertaken.

Naturally, at times, there would be communication issues. I asked the department about communication issues, because the department in their submission quoted that a lot of the bases upon which they brought forward issues were on issues that were brought out in the Mason review of the structures which were done, completed and actually tabled in 2013—not that long ago—which had a range of recommendations about the best way that workforce planning could continue into the future in the medical area.

At no time did the Mason review, although quoted by the department to look at the way things had to improve—which I have read and it was an in-depth and extensive review of this area—recommend the abolition of Health Workforce Australia. In fact, when you read the department's submission, which I know is public, you might be excused for thinking that perhaps there was some recommendation of that kind. It was clear that there were issues about communication and no-one doubts that. When I asked the department at the inquiry about the communication processes around how it worked, they said that a mechanism was in place for interaction between, firstly, the department, the unit of the department which looked after workforce, Health Work Force Australia, and then the minister and the government. I would have thought that would have been an expected process out of an organisation which has only been around for a short time, working with the department from whence it came. However, it seems that, rather than working on ensuring that that communication process was better entrenched, rather than working on how you could best use the expertise and the resources that were in place with Health Workforce Australia working with the department, the government's decision for economic reasons—and I am willing to be told if there is any other reason to close down this organisation; clearly, it was a savings measure and it was a difficult decision that the government had to make—was not to look at streamlining or working in a way that would fit a model better but to wipe out Health Workforce Australia.

That process has been successful; it has already gone. That is what I find most frustrating about this process: it has already gone. Nonetheless, it is important to talk about what will happen in this area without this resource. Other senators have talked about the extraordinary work that Health Workforce Australia has been able to do in pulling together issues around the best use of the areas of nursing and midwifery. As you know, our community affairs committee has had a long relationship working with these professions to see how we can best look at the need and at the practice. The debate about the best way that we can use the professional skills of people who are well trained and skilled in our health workforce will continue and must continue.

The health workforce process could do an efficient analysis of where the jobs are at this point across the board in our nation and project forward what the needs would be into the future, looking at all those dynamics which we know about, with our changing population, our regional needs and also the way that Australians are seeking to use their health system, which I think has differed in a great way. The skills of Health Workforce Australia could look at that and produce what I think is a well-acknowledged series of documents which now has provided a benchmark for future planning in this area. That was a huge task and was one that took a great deal of time and needed to be there. It also needed to be maintained, because out
of that work came planning for the future about how we would best meet the needs of our community.

We cannot have a body of work of that type completed and then shelved. This has got to be a dynamic process. Again, this is looking at the issues of having a work plan, meeting the milestones of that work plan and then planning into the future, using the same people who have the dedication and engagement in the process. The difference with Health Workforce Australia was this came out of the COAG process, it has engagement from the states and territories, and this was seen as an independent organisation. So rather than having individual organisations in states and state governments and state departments working with the Commonwealth department, they were able to meet and work—and I keep using the word but it is such an important word, it is a value-added word—'engaging' with the process. With an independent statutory body, they are going to be back to the process of working with the Commonwealth department.

Consistently, Acting Deputy President Smith, as you would know from our experience in Western Australia, there is tension in terms of the relationship between state bodies and Commonwealth departments. That is not laying blame in terms of process; it is a reality. It was an issue identified in the Productivity Commission report out of which Health Workforce Australia was created. It continues to be an issue because of the whole feeling of ownership and effective respect.

I have no doubt that there will be absolute commitment and professionalism by the officers in the Commonwealth department who will take back the full responsibility of workforce planning in the process. I have no doubt about that. What I do actually acknowledge, though, is that there will be competing demands, there will be competing tensions and also in terms of the people with whom they can meet and interact there will be limitations in having a Commonwealth department dealing with agencies across states and also with professional organisations across a whole range of areas.

Out of this debate we need to salvage the good work of Health Workforce Australia. When you go into the last annual report of Health Workforce Australia—and I am determined not to use the abbreviation in this contribution; I will continue to spell it out in full—you actually see the pride with which the organisation had mentioned what had happened; their highlights of 2012-13. They actually put on record the third and final volume in Health workforce 2025. That is the one to which I was referring to earlier. It was the doctors, midwives and nurses series, which was completed and released in November 2012—again, to be a dynamic document to be worked on into the future.

I mentioned earlier the simulated learning environment. I know we have had contributions about the Clinical Training Funding Program. Again, our committee has been involved over many years with issues about the clinical training programs and access to clinical training by a range of medical professions not just medicine but in terms of other groups which desperately need an effective clinical training program. It absolutely must be coordinated effectively nationally. At the moment so much of it is reliant on states, and we have seen at the end of academic years the loss—I think the absolute waste—of people who trained effectively in their professions and could not then get an effective clinical placements. This was another area that Health Workforce Australia had identified and looked at working
cooperatively into the future to ensure that we did not waste the very valuable resources that we have in the workforce.

I know that I am getting close to running out of time, but I just want to mention two of the things that I think have not been picked up as much as they could have been in this contribution. I do ask people who are interested in this area to have a look at the annual report of Health Workforce Australia, to have a look at the contributions that came through to our Senate Community Affairs Committee about what people in the profession, consumer groups and organisations valued about the work. One of the areas that we worked a lot in over the last few years has been in the area of Indigenous workforce across the board but in particular in the health workforce. This organisation had done work about planning into the future about how we respond to the need to have more well-trained Indigenous operatives across-the-board across professions. This is something that governments of all kinds have been struggling with over a large number of years, not just providing people in place but ensuring that they have the skills necessary, again, to look after their communities in the best possible way and to ensure that there is that effective placement particularly in remote regions but not only there. It is looking to ensure that we have people who are best trained and best placed to serve their local communities. This will continue to be a challenge for all of us. This was a program that Health Workforce Australia had put in place which needs to be picked up by the department, and I am sure it will. It must not be lost.

The other area was the National Cancer Workforce Strategic Framework, which was published in June 2013. This is another area where there has been considerable interest and engagement. This was an area that was particularly mentioned by consumers in Australia. There are so many opportunities now in the cancer workforce. We have seen great discussion about pharmaceuticals in this area but also different training and access to services. Rural and regional people still, to our shame in this country, are not being able to access their best care in cancer services, and there have been numerous papers put out, including one by Health Workforce Australia, about the issues around that. That is another program that I would hope that would be able to be brought forward into the future.

I do not believe, even though we will be strongly arguing the case in this place, that we will be able to turn the government's decision around, particularly as they have moved most of the staff and that has already concluded. However, I think that we cannot lose the investment and the commitment that we had, and shared, in setting up the organisation in the first place. We cannot lose the investment and the interest that determined why it was needed. We know the work continues to be needed. We know it must not be lost. So, in the rush to make the difficult decisions, in terms of the process, keep in mind what was achieved by Health Workforce Australia, value what was done and, please, do not forget this period in our history, because what we have done we can learn from and it will be a better place.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (20:07): The Australian government is meeting its commitments to cut red tape, repeal unnecessary regulation and stop waste caused by duplication in government services. The Health Workforce Australia (Abolition) Bill 2014 will repeal the Health Workforce Australia Act 2009 and legally abolish Health Workforce Australia or HWA. The government has committed to streamline and better coordinate the health workforce planning efforts that were spread across two Commonwealth government
agencies and remove duplication and unnecessary costs. Accordingly, HWA’s health workforce activities have been transferred to the Department of Health. This legislation recognises this change made by the government.

This bill will not reduce or weaken national efforts to improve health workforce planning and development. On the contrary, the coalition government is committed to supporting our highly skilled health workforce and to ensuring that all Australians have access to high quality health services. This government is committed to improving the capacity, quality and mix of the health workforce to provide front-line health services. This bill frees resources spent on bureaucracy and duplication to support health workers to deliver vital services to the community.

The coalition government has a long history of supporting and developing the Australian health workforce. It was the coalition government that supported innovative approaches to train more health workers in rural and regional areas, and we are justifiably proud of our network of rural clinical schools and university departments of rural health right around Australia. The rural training network is supporting thousands of health students—future doctors, nurses, dentists, psychologists, physiotherapists, and many others—to complete practical training in rural areas of Australia. Evidence is now showing that these students are choosing to stay and work in rural areas at much higher rates than their counterparts training in metropolitan areas. This approach has been an enormous success. It was a coalition government that acted in 2006 to increase the number of Australian-trained doctors by increasing medical student numbers at Australia’s universities. In fact, the previous coalition government established nine new medical schools, including in rural and regional Australia. We are now seeing those newly qualified doctors entering practice and delivering essential services around the country. Many of these will be undertaking work and training in rural areas.

The coalition will continue its efforts to train and support the health workforce through better, more efficient programs delivered across both the health and education systems. We will work with the private sector and state and territory governments to provide opportunities for health professionals to train and work in all sectors and settings where front-line health services are delivered.

A strong approach to health workforce development has several components, including: critical analysis of data and effective planning, and consultation with employers and the community to ensure that we are developing and implementing policies that will produce the right numbers of health professionals with the right skills for the future; supporting educational and training opportunities for health professional students to meet the standards required for registration to practice; providing opportunities for ongoing clinical education, not only for those seeking to specialise in a particular field of practice but for all health professionals, to ensure that they keep abreast of the latest developments in their fields; and supporting our experienced clinicians to remain in productive practice and to pass on their skills and experience by supervising students and mentoring the next generation of the health workforce.

The government is committed to ensuring that this important work continues. Forecasts of Australia’s health workforce needs will be updated regularly as new data becomes available for analysis. This work will be undertaken within the Department of Health in collaboration
with key stakeholders and other data experts, including relevant government agencies and the Australian Health Practitioner Regulation Agency.

The department continues to support the important work of the National Medical Training Advisory Network to produce national medical training plans. It will be given a very high priority by the department.

Through the Department of Health and the education portfolio, the government invests hundreds of millions of dollars every year in training doctors on behalf of the community, and we must ensure that this investment is targeted to the types of medical services and the areas of medical practice that the community most needs, now and into the future.

But the department will not just focus on the medical workforce, and the government will maintain a multidisciplinary approach to supporting the health workforce. The single largest annual expenditure under the department's Health Workforce Fund is over $300 million a year, supporting practice nurses to deliver primary care services to patients in general practice. The department also operates programs supporting nursing and allied health scholarships, which have been expanded through this government's election commitments. The government is also making improvements to our support for experienced supervisors. We want more GPs to be training our new doctors in general practice. The government is doubling the practice incentive payment for teaching from $100 to $200 a session. This will encourage more GPs to train medical students, and there is an extra loading for training in rural areas.

The government is strongly committed to continuing to deliver health workforce data, analysis, policies and programs. What this bill will do is to ensure that this work is delivered more efficiently with less bureaucracy and waste. We will achieve efficiencies by having Commonwealth health workforce policies and programs delivered together in a division of the department rather than through a separate agency with its own executives, accommodation leases, IT systems, and legal and human resource departments.

Taxpayers want more health workers and health services, not more Public Service overheads. The Commonwealth and states and territories continue to work collaboratively through established fora such as the COAG health council. However, the national partnership agreement under which HWA was established expired on 30 June 2013. It clearly indicates that it was intended that HWA would be a joint agency managing Commonwealth, state and territory investment in developing the Australian health workforce. As it turned out, the states and territories did not contribute any funding to HWA.

Since its inception, no state or territory has directly provided funding to Health Workforce Australia for its clinical education and training activities or in fact any of its work program. Instead, Health Workforce Australia has been solely funded by the Commonwealth, essentially creating an additional separate Commonwealth agency as well as the Department of Health which continue to have overlapping responsibilities. Additional staffing and administrative costs have been required to run HWA for functions that can be effectively performed by the Health portfolio's lead department. The HWA joint agency model never eventuated, but we ended up with a high-cost agency with board meetings, directors' fees, a CEO and a large CEO support office and high travel costs, all entirely funded by the Commonwealth. The Commonwealth has now taken action to ensure that taxpayers resources are spent more efficiently.
Some of the duplication between HWA and the Department of Health that we have seen over the last four years include staff from both agencies being represented on the same project steering committees for health workforce planning, education and training projects; both agencies running slightly different programs supporting the recruitment and retention of internationally trained health professionals; and both agencies funding overlapping workforce distribution projects and programs. This has led to a fragmented approach and waste through duplication of administrative policy and program functions.

The passage of this bill will produce a more coherent and streamlined approach to health workforce funding programs, provide a central point of liaison for health workforce stakeholders, produce a joint approach with state and territory governments on health workforce activities through the COAG Health Council and formalise the responsibility of the Department of Health to manage health workforce activities. The Australian government through the Department of Health has long played a national leadership and advisory role in supporting the development of the health workforce in both the public and private sectors, and in implementing a range of innovative programs to support clinical training for health workers.

The Labor government created an unnecessary and costly increase in the number of portfolio agencies, increasing the bureaucracy at great cost but with no change of outcome and no real benefits. The passage of this bill will reduce administration so more resources are available for programs which support Australia's health workforce. Shifting responsibility for these activities back to the department will ensure a clear policy focus into the future with no loss of commitment in this space.

This bill will support the efficient delivery of functions. It does not change the government's support for nationally coordinated, effective and efficient health workforce planning. The government continue to provide support for the education and training of a highly skilled and mobile health workforce for Australia. The government inherited a legacy of $123 billion of projected deficits and debt that was projected to rise to $667 billion. It is imperative that we find ways to deliver programs as efficiently as possible so resources can continue to be available for important front-line initiatives.

The bill enables the official wind-up of HWA as an entity separate from the Commonwealth. Essential ongoing functions have been integrated with the department's existing work program to plan for and deliver our future health workforce. The department's existing work program includes more than $5 billion in health workforce investment over five years, invested in strategies to train, support and develop the health workforce. A longstanding component of the department's work program are strategies to improve distribution of the health workforce so all Australians, including those in rural and regional Australia, can access appropriate health services in their local communities.

All existing funding agreements and commitments entered into by HWA will be honoured. The government has already announced its commitment to continue funding clinical training under the clinical training funding agreements with universities for the 2015 academic year. The coalition government remains committed to improving the capacity, quality and mix of the health workforce to meet the requirements of health services now and into the future.

The Australian government can continue its focus on priority health workforce activities without the unnecessary costs of an additional Commonwealth funded agency. I reiterate: the
new streamlined arrangements will improve not diminish the government's focus on workforce planning and policy development and implementation to ensure we have the right mix of health professionals on the ground delivering services to the Australian community now and into the future. The bill will enable essential actions to continue under more appropriate arrangements without the inefficiencies, confusion and costs associated with maintaining a separate Commonwealth agency.

The PRESIDENT: The question is that the bill be now read a second time.
The Senate divided. [20:24]
(The President—Senator Parry)

Ayes ....................31
Noes ....................29
Majority ...............2

AYES
Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Edwards, S
Fifield, MP
Lazarus, GP
Macdonald, ID
Mason, B
McKenzie, B
Nash, F
Parry, S
Ronaldson, M
Ryan, SM
Smith, D
Xenophon, N

Bernardi, C
Bushby, DC
Cash, MC
Day, R.J.
Fierravanti-Wells, C
Lambie, J
Leyonhjelm, DE
Madigan, JJ
McGrath, J
Muir, R
O'Sullivan, B (teller)
Reynolds, L
Ruston, A
Seselja, Z
Williams, JR

NOES
Bilyk, CL
Bullock, J.W.
Carr, KJ
Dastyari, S
Faulkner, J
Hanson-Young, SC
Lines, S
McEwen, A
Milne, C
O'Neil, DM
Polley, H
Rice, J
Sterle, G
Waters, LJ
Wright, PL

Brown, CL
Cameron, DN
Collins, JMA
Di Natale, R
Gallacher, AM
Ketter, CR
Ludwig, JW
McLucas, J
Moore, CM
Peris, N
Rhiannon, L
Siewert, R
Urquhart, AE (teller)
Whish-Wilson, PS

CHAMBER
Question agreed to.
Bill read a second time.

Third Reading

The PRESIDENT (20:27): As no amendments to the bill have been circulated, I shall call the minister to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (20:27): I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Australian National Preventive Health Agency (Abolition) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator McLUCAS (Queensland) (20:28): Labor opposes the Australian National Preventive Health Agency (Abolition) Bill 2014, a bill much like the Health Workforce Australia (Abolition) Bill we have just opposed. When in government, Labor established the Australian National Preventive Health Agency to drive population-wide behaviour change to address preventable illness in our nation. It is well understood that chronic disease—chronic and preventable disease—continues to be the leading cause of death in Australia. Over the past decade, the incidence of almost all preventable illness has continued to increase. According to the ABS Australian Health Survey 2011-13, nearly two-thirds—63 per cent—of Australians aged 18 or over are now overweight or obese. That 63 per cent is comprised of the 35 per cent of people who are overweight and the 28 per cent of people who are obese. It compares with about 56 per cent in 1995.

Chronic disease continues to be the leading cause of death in Australia. Chronic heart disease was an associated cause of death for 51 per cent of deaths due to diabetes, 28 per cent of deaths due to chronic and unspecified kidney failure and 19 per cent of deaths due to chronic obstructive pulmonary disease. Hypertensive disease was an associated cause of death for 35 per cent of deaths due to diabetes, 28 per cent of deaths due to cerebro-vascular diseases which include stroke and 21 per cent of deaths due to coronary heart disease. Kidney failure was an associated cause of death for 26 per cent of deaths due to diabetes.

To address this tragic reality, Labor in government established than National Preventive Health Taskforce chaired by Professor Rob Moodie and assisted by some of Australia's leading thinkers in health policy, including professors Mike Daube, Paul Zimmet and Leonie Segal, Dr Lyn Roberts and Dr Sean Larkin and Ms Kate Carnell. They conducted some 40 comprehensive consultations, meeting and hearing from over 1,000 individuals and organisations about how to change the nation's attitude to one which promotes healthier personal behaviour resulting in a healthier population.

Their report described achievable goals of reducing daily smoking to 10 per cent of the population, of reversing the trend of being overweight and obese and reducing the proportion
of Australians who drink at levels which place them at risk of harm of a short- or long-term nature. Further, the report describes the goal of contributing to the Closing the Gap targets, targets which seem to have been forgotten for Aboriginal and Torres Strait Islander Australians.

ANPHA's task was to provide evidence based advice to federal, state and territory ministers, to support the development of evidence and data on the state of preventive health in Australia and the effectiveness of preventive health interventions, and to put in place national guidelines and standards to guide preventive health activities. That task remains. The national programs that the Australian National Preventive Health Agency was tasked to undertake included two national social marketing programs relating to tobacco use and obesity, the National Tobacco Campaign and the Shape Up Australia campaign, but it was more than that. It was about managing and administering the preventive health research fund and managing the development of a national preventive health workforce strategy in partnership with Health Workforce Australia.

Like Health Workforce Australia, ANPHA's goals were undisputable. We can as a nation and we must reduce preventable disease in our country. There are two reasons why you would need to do this. Certainly the health outcomes of Australians is a desirable goal. We need to reduce the number of people who are dying from tobacco-related disease. We need to reduce the number of people who are dying because their cardiac circumstances are being compromised because of their lack of activity or inappropriate eating behaviour. The quality of life outcomes is surely a desirable goal, but the second and equally important for me is the goal of reducing costs for the health budget. That is the thing that this government says is the really important thing to do. What you are doing is cutting off the way we will be able to improve the health outcomes of Australians.

Just today I received a report from the Australian Institute of Health and Welfare, their Access issue No. 38 report. They talk about Australia's health in 2014, an important document, and they talk about some positive news. From 2001 to 2011 the proportion of students aged 12 to 15 who had never smoked rose from 53 per cent to 77 per cent. There has been a 20 per cent fall in heart attack rates between 2007 and 2011 and stroke event rates fell 25 per cent between 1997 and 2009. Injury death rates fell by about three to five per cent each year for causes such as transport injury, thermal injury, drowning, suicide and homicide. We cannot attribute this to the Australian National Preventive Health Agency but we are at least trending in the right way. We are going the right way and at this time to cut off the agency tasked to do this important work is short-sighted in my view.

The AIHW says we also have room for improvement. They say across all age groups Indigenous Australians have higher death rates than non-Indigenous Australians in the 35- to 44-year-old age group that rate is five times that of non-Indigenous Australians and Indigenous children aged zero to four died at more than twice the rate of non-Indigenous children. We have to change that. We have to be able to support those families and those individuals to get better health outcomes.

They also say that in 2001-12, 63 per cent of Australian adults were overweight or obese and this has increased from 57 per cent in 1995. It is the role of the Australian National Preventive Health Agency to turn that around. And who is going to do this important work in a collaborative and evidence-based approach without them. The rate of self-reported diabetes,
AIHW goes on to say, has more than doubled from 1.5 per cent to 4.2 per cent of all Australians between 1989-90 and 2011-12. Those are the sorts of figures that motivated our government to put in place an agency that was independent, that worked outside of the normal government and political paradigms, to be able to deal with some really tough work to change the minds of Australians about how we manage our health.

I want to go to the question of independence. Public health promotion can be tough. It is a hard argument. We have been in this chamber before where we have debated the consumption of alcohol through the alcopops legislation

We have been in this place and we have talked about plain packaging of tobacco. When we were sitting over there and they were here, the now government railed against our approach calling us the nanny state.

We have seen some fantastic results, particularly from the plain packaging program, where we have seen reduction, particularly in young people taking up cigarette smoking. If that is a goal that is something we achieved, I am very proud of it. If we stopped children smoking, if we stopped children drinking at a very early age, which they were doing at an extraordinary rate because of the access to sweetened spirit based drinks, that is something that I am very proud of.

The question of obesity and how we deal with it is a hard piece of public health promotion work that needs to be done. We will have during this debate criticism of ANPHA, the National Preventative Health Agency—we will. There will be criticisms of programs that they have run, particularly in vulnerable communities. Frankly, if this government cared, they would understand that you need an independent entity to do this sort of work. We have to remove the political imperative when you are undertaking tough work to ensure that the nation's mind is changed about the way they deal with preventative health issues.

ANPHA has been providing leadership across the non-government, health promotion and primary care sectors in order to deliver coordinated and effective preventative health activities and policies. ANPHA has been playing a central role in collaborating across the health sector to embed preventative health as central to the delivery of health care, in particular, ANPHA has been working with Medicare Locals to enhance the primary care sector's focus on prevention.

The Australian Labor Party recognises the value and need for long-term, sustained investment in preventive health, and for the benefits to health outcomes and savings to the health system that this investment can achieve. That is why we established a dedicated agency to drive the agenda over a sustained long-term period and provide the infrastructure for this to continue beyond the budget cycle.

We built ANPHA so that prevention would become a central focus for the health system, and ANPHA was directing action specifically around obesity, tobacco and alcohol use. Many of the most important organisations working directly in public health all supported the ANPHA, and these include: the National Heart Foundation, the Public Health Association, and the Royal Australian College of Physicians.

We will oppose this bill for the short-sightedness that it demonstrates in relation to the key priorities facing Australian's health today and for the lack of vision the government has in relation to understanding the challenges facing the health system into the future.
Labor is also opposed to the government's callous decision to cut vital preventative health funding to the states and territories for work in increasing physical activity, improving nutrition and healthy eating, and support for smoking cessation and reduction of harmful alcohol consumption in communities around Australia.

These cuts to prevention come on top of other budget measures that will put a financial barrier in place, deterring people from accessing primary care, which is an essential part of preventative health care delivery.

The Royal Australian College of Physicians highlighted the potential that ANPHA has had to prioritise preventative health and the impact the failure to invest in preventative health will have on our health system. I quote from their submission to our inquiry:

The Royal Australian College of Physicians highlighted the potential that ANPHA has had to prioritise preventative health and the impact the failure to invest in preventative health will have on our health system. I quote from their submission to our inquiry:

The RACP is concerned that the repeal of the Australian National Preventive Health Agency (ANPHA) sends a very negative signal to the community about the value of preventive health, especially as it comes on top of the discontinuation of the National Partnership Agreement on Preventive Health.

This bill comes before the parliament at a time when our health system is under an unprecedented attack from the government. This is an attack that is based on broken promises. It is an attack that seeks to attack Medicare and dismantle universal health care in Australia. It is an attack that seeks to rip money away from hospitals and shift the cost of health care from the government—where it belongs—onto the strained budgets of low- and middle-income Australians, and particularly those who suffer ill health. It is an attack that will see a typical family pay more than $270 in healthcare costs, every year—and even more for senior Australians and families dealing with chronic conditions like asthma, diabetes and disabilities.

Labor understands the importance of investing in preventative and primary healthcare. We understand that preventive health is not a dispensable plaything to be thrown around in budgets; it is a crucial component of public health policy—pivotal in ensuring a strong and sustainable healthcare system long into the future.

Labor will always be the party of healthcare, of Medicare, and, by contrast, Australians know that the coalition simply cannot be trusted when it comes to providing a strong, sustainable and universal healthcare system.

This bill, this budget and this health minister are a pathetic reminder of the fact that, when it comes to health care, the coalition simply does not get it. They ignore the experts. They ignore the evidence. They ignore the needs of Australian families and pensioners who deserve a world-class health system.

In conclusion, I thank the thousands of people who told us when we were in government that we need to do more about preventative health. I thank the public health academics and advocates for the good work that they have done to promote a preventative health agenda in our country. I thank the many healthcare workers, particularly in our Medicare Locals, whose work is changing attitudes and people's health outcomes.

Finally, I thank the staff of the Australian National Preventive Health Agency for the sound advice they gave the government, the programs that they designed and delivered, and the work they have done to improve the health of Australian people. Thank you.

**Senator Di Natale** (Victoria) (20:44): One of the reasons I left my clinical practice and became a senator was the enormous sense of frustration I felt as a clinician; I saw patient after patient presenting with straightforward preventable illnesses that turned into serious
complicated medical problems requiring medication and surgical intervention. It was an incredible source of frustration to me: here I was, a highly trained health professional, in an environment where, for the most part, I felt that I was putting bandaids on problems that were preventable; patients did not need to be seeing me in that context.

There was a huge sense of frustration in knowing the taxpayer funded investment in my work—in providing the medicines, in providing specialist opinions, in resourcing Medicare adequately and in providing my advice. And medical practitioners do not come cheap; it costs a lot of money to train them. We were prepared to invest all that money into a very expensive end of the medical system, while we would only spend one per cent or two per cent—maybe three per cent—of our health budget on prevention. It just made no sense to me.

One of the things that motivated me to move out of clinical practice into public health, and then later into politics, was to try and do something about it, to try and fix that huge imbalance. It is hugely frustrating because we know what works. We know that a simple straightforward investment in prevention is much more cost-effective than dealing with problems that become more complicated and require more expensive interventions.

It was with some pride that I sat back and watched my colleague Senator Siewert and members of the Labor Party work together to honour the evidence that came out of the National Health and Hospitals Reform Commission and then the Preventative Health Taskforce. In fact, one of my mentors in public health, Professor Rob Moodie, was involved in that task force. It was with some pride that I sat back and watched the establishment of Australia's first independent authority focussing specifically on prevention. Finally we got somewhere! And we recognised that we needed to overcome this narrow short-term focus—the next election cycle. We recognised that if we are going to start to make inroads in health care we need to tackle the issue of prevention.

The Australian National Preventive Health Agency was not perfect. But it did some pretty good work. Look at the plain packaging reforms. These are reforms that have led the world when it comes to tobacco control. That is not an overstatement. We have now seen countries right across the developed world—and now even in the developing world—look at the example of plain packaging in Australia and say: 'That was an important reform. The evidence is now looking very strong. It is about time we moved in this direction.' We have seen just how important those reforms are by witnessing the huge counterattack by the tobacco industry and other vested interests. That came straight out of the work of the Australian National Preventive Health Agency.

We have seen reforms around alcohol related harm, specifically on the issue of pricing alcoholic beverages that quite openly target young people—that is, alcopops. We saw a change in behaviour in that area as a result of those reforms.

We saw the agency work with a number of sporting bodies to deal with the issues of sports sponsorship and alcohol companies. We have now seen some of our major sporting codes exit that space. That is a really honourable move—and again it is thanks to the work of the Australian National Preventive Health Agency.

But of course some of their work was pilloried, particularly by the government. One of the most shameful things was the attack on the sponsorship of NASCAR. They deliberately targeted a population with a high prevalence of smoking to ensure we got widespread
dissemination of an innovative app around smoking. It was recognised as such, and received awards, as a result of the impact it had on reducing people's smoking. It worked very well. In fact NASCAR audiences were the perfect target group, yet they were pilloried by the opposition. At Senate estimates we heard that having two people attend that event, download the app and decide to quit smoking would have paid for the investment in that sponsorship, and then some.

This is not sexy work. It is not the sort of work that will lead the headlines on the local news bulletin with the latest medical breakthrough. But it works and it is cost effective. We know that, by implementing the top five preventive health interventions, we can get a return of over $11 billion—on a $4 billion investment—by preventing people from developing a number of common conditions. We know that.

When you have a situation, for example, where, according to the ABS, nearly two-thirds of the Australian population aged over 18 are overweight or obese, we know what the consequence is. We have coronary heart disease associated with the cause of death for 51 per cent of deaths from diabetes—that is, 51 per cent of the people with who die from diabetes have ischemic heart disease. Those deaths are all preventable. In fact the work done by the Preventive Health Agency around smoking, alcohol and obesity targeted those groups specifically. One in four of the people who die from diabetes will have kidney disease. Again, that is preventable if we do the work necessary to try and make sure that people with those chronic diseases are managed appropriately.

We know that that work is not sexy, not glamorous, but it has a huge impact. But what do we see? We see a triumph of ideology over evidence. We have seen not just the abolition of the health agency but a cut in investment in preventative health programs delivered by state governments, to the tune of almost $300 million. So we are now seeing the abolition of the agency—the only agency with a dedicated focus on prevention. In addition, we have had a cut of almost $300 million in the funding for preventative health programs delivered at a state level—programs targeting smoking and obesity amongst young kids and programs working in tuck shops to give kids healthy choices around the sorts of products that are available to them.

All these programs have been cut. What do we have in their place? We have this crazy idea that says if you make it more expensive for people to get health care somehow that is good for the bottom line. We are going to introduce a co-payment for people to go and see a doctor. We are going to introduce an additional co-payment for people to get medicines. We are going to introduce a co-payment for people to get X-rays or other forms of radiological procedure. This is ideology triumphing over evidence.

At the same time we are seeing massive cuts to our public hospital system, with $50 billion taken out of the growth funding promised to our public hospitals. That is a massive cut in the funding for our public hospitals, which are already overstretched and struggling to meet the demand that exists within the community. This is a massive cost shift away from the federal government to the states.

And it gets worse. We finally got some transparency in the system. Activity based funding is a model that has been operating in Victoria successfully to introduce some transparency to try and benchmark what it costs to perform particular procedures. But we are seeing the end of activity based funding in our hospital system. I just do not get it; it makes no sense. We know what works. We have the evidence base for what works, and we are cutting those things
and introducing a range of reforms. They are going to make the system much more expensive. Who dreams this stuff up? I just do not get it.

All you have to do is talk to people who work in this space—the academics, the administrators, the bureaucrats, the doctors, the nurses, the allied health professionals—and they all say the same thing. We have some challenges in health care. Overall, our health system is a pretty good one. We spend, as a proportion of GDP, less than the OECD average, but we could do better. We could make the system more efficient. And the way to do that is to invest more in prevention.

Let's not just look at traditional preventative health areas like obesity, smoking and alcohol; let's talk about healthy living environments. What do we have to do to create, around our urban planning framework, healthier living environments so that active transport is built in and we can tackle obesity through the sorts of environments that people live in? But, no, rather than building on a successful model we are going to cut it down. We are going to cut the funding that we promised to the states in prevention. We are going to deprive people access to smoking programs in the workplace. We are going to stop young kids getting healthy options when they are at school.

We are going to do all those things at a time when obesity is on the rise, when diabetes is on the rise, when there are people in the community with untreated hypertension who will have a stroke because we are not doing the things that we know work. Instead, we will make it harder for them to access medical care. We will put a price signal in front of their ability to access care.

It is absolutely the wrong way to go, and it is with great sadness that I stand here today and give this speech. Of course I know what the response will be from government. It is purely ideological. They will couch it in terms of an unsustainable health system, which is nonsense. No-one who knows anything about our health system would say, for a moment, that it is unsustainable. In fact, Commonwealth spending has been going down over the past decade rather than up. But, no, we will ignore that.

We will hear about this great, big new bureaucracy that was established by the previous government. Give me a break! What we have is an independent health authority that has, for the first time, a dedicated focus on prevention. We will hear that the Department of Health will be able to take up these responsibilities. They were not doing it prior to the existence of this agency. Once the agency is gone so too will the focus on prevention be gone.

We will hear about the nanny state and how important it is for individuals to be able to exercise individual choice. Well, let me tell you that when people who are in an obesogenic environment are faced with a choice between an unhealthy food option or nothing at all, I know what they will take; they will take the unhealthy option. When people are faced with an environment where purchasing a bottle of water is more expensive than purchasing an equivalent volume in alcohol, we know what they are going to do. In fact, one of the most important pieces of work that the Preventive Health Agency did was around the issue of alcohol pricing and the need to reform the dog's breakfast that is the current system of taxation for alcohol and ensure that we have a system that reflects price in proportion to the volume of alcohol in a product. But instead we have these huge concessions where it is cheaper to buy a litre of wine than it is to buy a litre of water.
It is with great sadness that I give this speech. As Senator McLucas has done, I also want to thank the staff involved with the establishment of the inaugural Australian National Preventative Health Agency. I think they have done a terrific job and they deserve credit. I only hope that this is just a hiccup on our way to the task of ensuring that we as a nation reorient our whole system so that we focus more on prevention and we spend more of our health budget—more than the piddling two or three per cent currently being spent—on prevention and start to get the balance right. We do not have it right at the moment, and this bill takes us in precisely the opposite direction to the direction we should be heading.

Senator LUDWIG (Queensland) (21:00): I too rise to speak against the Australian National Preventative Health Agency (Abolition) Bill 2014. In many ways this bill represents the absolute worst excesses of this government's pig-headedness and short-termism. It represents their complete lack of understanding not only of the needs of the community but also of sensible economics and healthcare concerns. We have already seen brutal cuts to health delivered in the May budget. Despite the Prime Minister's promises before the election, the truth has become evident. There were cuts to health in the budget, just as there have been cuts to education. His promises have been found to be hollow—and this bill is just another dreadful example of this Prime Minister's crass untruths to the Australian people prior to the election.

Universal access to healthcare means that people can seek and receive treatment when they are ill, not just when they can afford it. The Preventative Health Agency is about getting in front of the nation's healthcare problems before they pose a massive economic and social drag on the whole system. Abolishing the National Preventative Health Agency will tear more than $360 million from programs that were tackling obesity, increasing physical activity and improving healthy eating for adults and children around Australia. Labor increased investment in preventative health. Preventative health relieves the pressure on our health and hospital network and it builds healthy communities. The National Partnership Agreement on Preventative Health was an agreement with states and territories to fund critical programs for adults and children, with reward funding provided for achieving targets on health improvements.

When you go back and look at the primary documents that established the agency, you see that they were effectively a watershed period in healthcare. They looked at the science and the research about how you drive the curve downwards—in other words, how you drive preventative health outcomes into healthcare so you can reduce the negative health outcomes. *Australia: the healthiest country by 2020—National preventative health strategy* brings forward the real watershed and why this bill should be abolished and why the agency should continue to do its work, and I quote:

> Obesity, tobacco use and alcohol consumption feature in the top seven preventable risk factors that influence the burden of disease, with over 7% of the total burden being attributed to each of obesity and smoking, and more than 3% attributed to the harmful effects of alcohol. Along with a range of other risk factors, and accounting for their interactions, approximately 32% of Australia’s total burden of disease can be attributed to modifiable risk factors.

In short, modifiable risk factors relate to things that individuals can do to prevent risks down the track. But what this government want to do is shunt it down the track. They do not want to have an agency playing a coordinating role to prevent negative health outcomes.
This bill will repeal the National Preventative Health Agency Act. The aim is to abolish the National Preventative Health Agency. This is a government that is wedded to abolition. It is wedded to repeal. It even had, oddly enough, an omnibus bill that just abolished things today. It is not a building government. It is not a supporting government. It is not an outcomes focused government. It is not even a performance government. This is a government that can only tear things down. The National Preventative Health Agency was established by Labor in 2011. And that seems to be the only reason that the government want to tear it down—because Labor supported the agency. The evidence is there to support the agency, but this government only want to tear things down.

This agency was established to lead in preventative health for Australia. It has been playing a pivotal role in tackling the health sector to ensure that we establish preventative health as central to the delivery of healthcare. It has been working with Medicare Locals to ensure that there is a heightened awareness of the value of prevention in health services delivery. It has been long recognised that there is a significant benefit in focusing on prevention. That is why Labor established a dedicated agency to drive the agenda for the long term—not the short term as with this coalition government—in order to drive positive changes in the rate of obesity and the levels of tobacco and alcohol use. It is imperative that we have a dedicated agency tasked with the role of working with the likes of the National Heart Foundation, the Public Health Association and the Royal Australasian College of Physicians.

This side of politics does not support a callous cut such as this. I have seen over the last couple of months some pretty horrendous and callous cuts by the coalition government—making sure that public servants do not have a future in the Public Service and making sure that they foist their awful policies on the Australian people—but this is one of the most callous cuts I have seen. It attacks children, communities and families. This callous cut is about putting the emphasis on the wrong side of the equation. This strikes at the very core of how a proper healthcare system would work.

Prevention is plain common sense. I make the mistake of thinking that the coalition would have even an ounce of common sense when it comes to the health of Australians. The government think that it is cheaper to simply cut programs than support prevention. They have shifted the burden down the track without a strong preventative agency. All that will happen is that the health system will keep having larger and larger demands placed on it and no strategic way of mitigating that demand. The agency was established to address the challenges in the health system and was recommended by experts who were part of the National Preventative Health Taskforce. So this is also a government that has a tin ear. It does not even want to listen to experts in the health system. It wants to close its ears and hide behind the phrase, 'We can't afford it—we can't afford this; we can't afford that.' You will not be able to afford a healthcare system if you do not put in place preventative healthcare outcomes for the Australian people. The agency was established to address the challenges in the health system and, as I said, it was recommended by experts who were part of the National Preventative Health Taskforce.

It seems that the government does not see the growth in lifestyle related chronic diseases such as type II diabetes and the contribution of modifiable risk factors such as smoking, diet and alcohol consumption, which have prompted calls for stronger national action on disease prevention and health promotion. The major report since 2009 supports this call for a greater
focus on preventative health efforts—the sensible direction. I ask too much of the coalition when I say 'sensible'. The sensible direction is to support this agency. It is clear that a greater focus on preventative health will reduce healthcare costs.

Unsurprisingly, the Senate majority report found in favour of the abolition. Labor cogently argued in the dissenting report as to why this bill should not pass. Essentially, the argument by the government is that the government is satisfied that the transfer of the agency's roles and responsibilities to the department should not result in any diminution of the commitment to preventative health programs and policies. I will say that again: they argued that it would not result in any diminution of the commitment. So they are only going to support a commitment; they are not going to put it into an agency which will coordinate the action. These are hollow words by hollow people. It is a weak and equivocal statement. The emphasis here is on 'should not'. The committee has taken the view of the minister rather than look at the evidence. The phrase amounts to weasel words by the coalition. The department should not result. They cannot even categorically say 'will not' or 'shall not'. They hide behind the word 'should'. It is not surprising, unfortunately.

I do remain confident that, without coordinated action led by this agency, preventable disease will continue to rise. This shift is most noticeable in health where the government is ripping billions of dollars out of the healthcare system. It is not only on one side of the equation—that is, on the preventative health side. They are ultimately saying, 'We'll take it out of an agency that coordinates the action, can work with the states and territories and can do more than simply lead; it can coordinate and influence prevention programs on the market for individuals to take up.' They then said, 'We'll drag that agency out and trash it and the department can continue to do those functions.' More weasel words, quite frankly: 'the department can continue to do those functions'. Where in the department are they going to put them? Are they going to ensure the department has the resources to be able to undertake that work, lead and coordinate? It has not been able to do it until now, and that is why we had those significant reports in 2009 which pointed to the establishment of a body that could take the role, independent of government, to drive outcomes. We know that if you drive outcomes you will get results.

If you look at the work done by the committee, they said:
Embedding prevention and early intervention
Among health commentators, it is almost axiomatic to say that we have an excellent ‘sickness’ system, but not a system focused on keeping us healthy.

They went on to say:
The availability of preventative interventions, the change in disease patterns, and the ability and support available to introduce and persist with prevention makes this aspect of care a ‘no-brainer’.

The coalition have topped that. They do not have a brain. To take this action and do this work, everyone except the coalition accepts that it is a no-brainer. But on the other side of politics, they have suffered the worst of all fates: not only have they left their brains behind the door when they came in here, because they are going to vote for the abolition of this, but they will have to wear the phrase. And many on the other side could also help with undertaking preventive health care work. Otherwise, they also will be a drag on health care into the future.
The real question for us is: what action can we put forward? The task force said the first thing we should do given the systemic failures of the system up until then to bring coordinated effective action is to create a new Australian health promotion and prevention agency. That was the first thing that they proposed. This idea, which was also recommended by the National Preventative Health Taskforce, has already been partially picked up in the new National Partnership Agreement on Preventive Health and was included in the Commonwealth government's 2009-10 budget. They said it was a good start, but only a start. And what we have here today is the coalition taking that start away completely. So we are not even going a couple of paces forward and a couple of paces back; in this instance we are going right back to the start with the abolition of this agency. It is short-term and it is short-sighted.

Recently I was able to look at some of the work done by the Labor government when it was in office. I was able to tour the Logan Hospital with the Deputy Leader of the Opposition, Tanya Plibersek, and local MP Jim Chalmers. I thank the Logan Hospital for allowing us to tour the premises. We spoke to health workers there who are suffering from not only the stresses and strains of the hugely important job of serving the community but also the rolling cuts by the governments led by Mr Campbell Newman and Mr Tony Abbott. They are battling against arrogant and out-of-touch governments that know the cost of everything and the value of absolutely nothing, particularly when it comes to health care.

Since the Newman government was elected in March 2012 there have been 4,379 full-time equivalent jobs lost from Queensland Health. In the metro health area, which includes Beaudesert Hospital, Logan Hospital and Princess Alexandra Hospital, the Newman government was cutting staff. They were also cutting funding. So what we have is a real twin-barrel shotgun by the coalition. They have taken away preventive health and they have also cut health and hospital funding in the order of $80 billion—out of education and health. They have implemented the broken promise of a new $7 GP tax—so they have whacked the patients. But they have done worse than this. You would not imagine that you could do worse than knocking away prevention funding, dragging health funding down and cutting staff. But in this instance there is more. What the Prime Minister wanted to do was force hospitals to tax you if you ended up in an emergency department. What the states have been doing in response is to draw their funding out of preventive health and leave it to the Commonwealth to fill the gap. But the Commonwealth in this instance is not filling the gap whatsoever.

So what we have between the twin storms of these two governments is a complete diminution of our health and hospital system. It is being exacerbated by the work of the coalition federally. The abolition of the Australian National Preventive Health Agency is axiomatic of this government: it does not care one jot for individuals, communities and people who rely on our healthcare system. The coalition government is only interested in saying: 'We want individuals to support themselves in the community and pay for their own health and hospital outcomes. We want to line the pockets of big companies. What we don't want to do is ensure that there is a direct line to hospitals for communities to ensure that they can have positive outcomes.'

The removal of the Australian National Preventive Health Agency is one of the dreadful things that this coalition government is doing. It stands as a stark reminder for all to see how
this government acts, how it can simply abolish an agency that is about improving healthcare outcomes for individuals.

Senator SIEWERT (Western Australia—Australian Greens Whip) (21:21): It is with a great deal of sadness that I contribute to this debate. Of course, I stand with my colleague Senator Di Natale to oppose the abolition of the Australian National Preventive Health Agency. I was the Greens health spokesperson when we negotiated the establishment of this agency. We strongly believe that investment in preventive health not only saves lives but also decreases healthcare costs into the future. At that time, I opened my contribution to the debate by saying:

The Greens believe that the real challenge for our health system, now and into the future, is managing illness in a way that keeps people out of hospital and well. We believe the evidence is overwhelming that our health policies should focus on keeping people well, preventing illness and better managing illness in the community. We strongly believe in preventative health measures and believe that we should be investing in preventative health measures.

I went on to say that the Greens believe that strong leadership is required if preventative health activities are to get the attention and funding that they need. That is as true today as it was when I said that in my contribution to this debate. Nothing has changed other than, I would suggest, the fact that we now have more evidence, particularly for Aboriginal and Torres Strait Islander communities, of the importance of preventative health. I will go into those specific issues around Aboriginal and Torres Strait Islander health later in my contribution.

We have seen no evidence at all to suggest that this is not the best way to address issues around preventative health. Investment in preventative health saves money into the future, it saves lives and ensures better-quality lives. Our investment in public health is woeful compared to spending on other health issues. You cannot say the evidence is there to abolish this agency. I agree with my colleague Senator Di Natale when he said that this is ideologically driven. Yes, the government's ideologically driven changes are the same as their punitive welfare income support changes which, hopefully, will be rejected by this place when the legislation comes before us. They are ideologically driven. There is no evidence to suggest it works and there is no evidence to suggest that abolishing this agency will help address preventative health. The reason this agency was set up is that we dealt so appalling with preventative health agencies. We spend a small amount on preventative health and that investment is a wise investment.

I would suggest that the government's approach to this matter is more in line with the heavy lobbying from industry that actually lobbied against this agency in the first place, with their gutless approaches to investment, their attempts to decrease the sale of alcohol, trying to put in place effective measures that address alcohol abuse and the accessibility of junk food. The fact that it is now cheaper to feed your family on cheap, energy-dense, poor-quality junk food than it is to actually feed your family if you are on a low income on nutritious, healthy food is also part of their agenda.

During the debate on this particular agency, that big industry were all over the corridors of this place, lobbying against putting in place effective preventative health measures and an effective preventative health agency. I would suggest, again, it is a combination of ideology, driven by industry to try to get rid of effective preventative health measures.
One area that I particularly want to contribute to in this debate is the fact that we are still, appallingly, behind in addressing the gap in life expectancy for Aboriginal and Torres Strait Islander peoples. Just this month, two surveys highlight yet again how important it is that we take preventative health seriously in this country. Just on 10 September, the Australian Aboriginal and Torres Strait Islander Health Survey: Biomedical Results, 2012-13 was published. This survey is the largest biomedical survey ever conducted for Aboriginal and Torres Strait Islander peoples. It undertook a survey of 3,300 Aboriginal and Torres Strait Islander adults from across Australia, who voluntarily took part in this survey and who were tested for a range of chronic disease and nutrient biomarkers. The results showed that, on a national level, one in 10, 11.1 per cent, of Aboriginal and Torres Strait Islander adults had diabetes. A further 4.7 per cent were at high risk of diabetes according to their blood test results. Two in three, 65.3 per cent, had at least one risk factor for cardiovascular disease—that is, they were taking cholesterol-lowering medication or had one or more of high total cholesterol or high triglycerides. Nearly one in five, 17.9 per cent, had signs of chronic kidney disease and we know the relationship between diabetes and chronic kidney disease.

It also revealed that, for Aboriginal and Torres Strait Islander adults, around half, 53.1 per cent, with diabetes also had signs of chronic kidney disease. Two in five, or 38.9 per cent, with diagnosed diabetes were effectively managing their disease. They had a HbA1c test result of less than seven per cent. A quarter had high cholesterol but only one in 10 of this group were aware that they had it. These results, when compared with the national average across the nation, were worse in remote areas. Very distressingly, when you compare the non-Indigenous population with these results you see the average Aboriginal and Torres Strait Islander peoples are more than three times as likely to have diabetes, twice as likely to have signs of chronic kidney disease, nearly twice as likely to have high triglycerides and more likely to have more than one chronic condition, for example, having both diabetes and kidney disease. These are appalling results and they are for 2013.

On 5 September, the Australian Institute of Health and Welfare released some results for closing the gap in life expectancy. They showed there had been slight improvements in Indigenous life expectancy over recent years. But, unfortunately, they were too slow but also there is still a gap, whereby the life expectancy for an Aboriginal and Torres Strait Islander is about 10 years lower than the general population.

Their report Mortality and Life Expectancy of Indigenous Australians 2008-12, provides an overview of some of the trends and patterns in life expectancy for Aboriginal and Torres Strait Islander people. Importantly for this debate, in terms of the issues around life expectancy most significant among them was chronic diseases, with four groups of chronic conditions accounting for over two-thirds of the gap in mortality-circulatory diseases, 24 per cent of the gap; endocrine, metabolic and nutritional disorders, 21 per cent; cancer, 12 per cent; and respiratory disorders and diseases, 12 per cent. Circulatory diseases were the leading cause of death among Indigenous Australians between 2008 and 2012, representing 26 per cent of Indigenous deaths, followed by cancer at 20 per cent and injury. Two-thirds of Indigenous deaths occurred before the age of 65, compared to 19 per cent for non-Indigenous Australians, who died before the age of 65.

They said that while there were some improvements in the general population for cancer, the death rates from cancer actually rose between that time for Aboriginal and Torres Strait
Islander people from 212 per 100,000 people to 227 per 100,000 people. That was from 2001 to 2012. There is a widening gap in deaths from cancer in Aboriginal populations. And what is this government doing? Not only is it abolishing this agency that deals with the very issues that would deal with these particular diseases—

Senator O'Sullivan: That is old data!

Senator SIEWERT: This data was released on 5 September 2014. It is the latest data that is available—5 September 2014. This is the data from the leading institute in Australia, the Australian Institute of Health and Welfare.

Senator O'Sullivan interjecting—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Order!

Senator SIEWERT: This information shows, yet again, the fallacy and flawed approach of getting rid of the Preventative Health Agency. But not only are they trying to get rid of this agency; they are also and have cut funding to one of the key areas that needs attention, smoking, because when you look at the data for deaths from lung cancer, 20 per cent of the deaths from cancer were attributable to lung cancer. And what has this government done? It has cut the funding to Tackling Indigenous Smoking Program—a program that we know is starting to show results.

Senator O'Sullivan: That is not true.

Senator Scullion interjecting—

Senator SIEWERT: So what have they done? They have cut it. I'm sorry, I will answer that interjection. Yes, they have cut funding. I know because I was speaking to an agency in WA just five days ago, where not only has a halt on recruitment taken place—that is, new recruitment—but when they lose staff, they cannot replace them. Yet they are still expected to be meeting the same outcomes with fewer staff. So, yes, you have cut funding to that program! Go and tell Tom Calma that you haven't, because you have! That program deals specifically with preventative health. Those programs are essential if we are going to closing the gap. We need leadership on the preventative health. We do not need is to go back to the department, because the department could not do it and they are also being downsized so they are expected to do more with less.

Senator O'Sullivan interjecting—

Senator SIEWERT: You need leadership from an independent, dedicated agency that deals with preventative health. We have continued to put effort into continue to closing the gap; we are not going to achieve that if we get rid of agencies that deal with preventative health.

We also need to deal with the poor health outcomes from income inequality. We know that income inequality has health outcomes. With the measures that this government is bringing in that cut social security, that attack our social security safety net, we are going to see even more poor health outcomes. It is all the more reason to keep an agency that is dedicated to addressing preventative health.

Senator O'Sullivan interjecting—

Senator SIEWERT: The arguments for the Preventative Health Agency are just as relevant today as they were when we were debating this in 2011. There is an absolutely
essential need for a continuing investment in preventative health, particular for Aboriginal and Torres Strait Islanders. You cannot on the one hand make noises about supporting Aboriginal and Torres Strait Islanders and wanting to recognise them in community and going up to East Arnhem Land to spend a week in a community and making all the supposedly noises, but then do measures in your own budget that cut the Preventative Health Agency that will put in place measures that specifically relate to closing the gap. This is a flawed approach. It is ideologically driven. There is not a scrap of evidence to suggest that this is not a good approach. We need to be investing in preventative health, we need to be making sure that we have those programs in place—that in fact we increase expenditure on public health. An investment now not only saves lives it also will save money for the health system. We want a wellness system that is focused on keeping people well, on addressing chronic illnesses—

Senator O'Sullivan interjecting—

Senator SIEWERT: Chair, could I please ask you to ask those interjections to stop!

The ACTING DEPUTY PRESIDENT (Senator Sterle): Order! Senator Siewert, you have the right to be heard in peace. I would ask Senator O'Sullivan to cease interjecting.

Senator SIEWERT: As part of the process of establishing this agency, I engaged in numerous Senate inquiries looking at preventative health but specifically at this agency. I was engaged in rigorous debate both in the community and in this parliament. I reviewed the evidence. I am convinced absolutely that preventative health is the best way to go. It is still the best way to go. We should be keeping this agency and making sure that we put in place effective programs that are driven with independent advice—not tainted by industry, not influenced by an industry dollar that wants to keep selling alcohol, that wants to keep selling junk food, that has an interest in keeping obesity rates high. That is not the way to go. We need to be looking at effective programs that effectively manage peoples health and keep them well. If we do invest properly, we will get on top of chronic disease, not only in the broader population but particularly in Aboriginal and Torres Strait Islander communities, where we know that chronic disease is killing people. We need to be addressing that. We need to be investing in making sure that we do not see even further chronic diseases in Aboriginal and Torres Strait Islander communities. We do not support the abolition of this agency. It should keep going and we will be opposing this bill.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (21:36): Australians who voted for the coalition are now realising that the government they thought they had elected is not the government that they got. They are waking up to the fact that it is a government that came to power on the back of lies and broken promises. How can any government claim legitimacy when their leader, now Australia's Prime Minister, promises no cuts to health and then delivers a budget which cuts health in Australia by $75 billion? How can they claim legitimacy when they promise no new taxes then introduce a GP tax of $7 every time you visit the doctor? How can you profess to support Medicare, Australia's universal healthcare system, and then seek to destroy it?

The Australian National Preventive Health Agency (Abolition) Bill 2014 is just another part of this government's unprecedented attack on the health care of Australians and its attack on all fronts. First of all, the government is seeking to dismantle Labor's framework for action on preventive health while also cutting funding to the states and territories for preventive
health initiatives. They are then discouraging low- and middle-income earners from accessing primary health, through their cruel and unfair GP tax.

These actions will lead to a worsening of Australians' health conditions. Patients will be queuing at hospital emergency departments and joining growing elective-surgery waiting lists, only to find that this government has also slashed hospital funding. There will be nowhere else for the burden to fall but on everyday Australians, who will have to make the choice between treating their chronic health conditions and going without other basic essentials like food and power. And these are cuts which will cost the average Australian—not to mention the costs for Australians with chronic health conditions or a disability. This Abbott government should have come with its own health warning.

Those opposite may say that I am being alarmist, but if they are going to claim that I am alarmist then they must also level the same charge against groups such as the Australian Medical Association and the Consumer Health Forum. I recently participated in the Senate Community Affairs References Committee's inquiry into out-of-pocket expenses in Australian health care, and various organisations in their verbal and written evidence said that the Abbott government's GP tax would lead to more pressure on our health system and force low-income earners to choose between their health and other essential expenses—that is, food, rent and electricity, not a couple of beers or a third of a pack of smokes as our Treasurer seems to think.

The AMA said that the impact of the GP tax would be worse in my home state of Tasmania, and I will quote what the President of the AMA, Associate Professor Brian Owler, said:

… Tasmania has a higher burden of chronic disease and higher smoking rates, and we need to do more to encourage preventive health care and chronic disease management. That is why I think the co-payment is probably going to affect Tasmanians more than it affects people in other jurisdictions.

To illustrate Associate Professor Owler's comments, Tasmania has a smoking rate of 21 per cent, compared to 16 per cent for the rest of Australia, according to the latest statistics, and the latest report from the National Health and Medical Research Council shows that Tasmania had the third-highest rate of alcohol consumption exceeding single occasion risk and lifetime risk behind the Northern Territory and Western Australia. Tasmanians are slightly above the national average in terms of being overweight and obese—65 per cent compared to the national average of 63 per cent. Many of these poor health indicators for my home state of Tasmania are likely the result of Tasmania having the lowest average earnings of any state or territory, and there is plenty of evidence to show the link between lower incomes and poorer health outcomes.

I will just pick up on that short phrase in Associate Professor Owler's comments, just in case those on the other side did not quite hear, and it was:

… we need to do more to encourage preventive health care …

Senator O'Sullivan interjecting—

Senator BILYK: Preventive health was an issue that was also addressed in the out-of-pocket expenses inquiry and touched on in the report that was tabled recently. It is a sad fact that a great deal of Australia's health spending is directed towards treating conditions that are largely preventable. I am talking particularly about chronic disease which is caused by
unhealthy lifestyle choices such as obesity, smoking and overconsumption of alcohol. Not only does preventable disease lead to unnecessary suffering; it diverts valuable health resources away from the treatment of other patients and their health conditions. While this is an unfortunate reality, the good news is that governments can achieve a great deal of efficiency in health care by investing in preventive health.

Senator O'Sullivan interjecting—

Senator BILYK: We have all heard the old adage 'An ounce of prevention is worth a pound of cure'—and it is so, so true. It is much better to spend money encouraging and helping Australians to lead healthy lifestyles than to spend money on surgery and procedures to treat preventable illnesses—

Senator O’Sullivan interjecting—

Senator BILYK: and chronic health conditions. Mr Acting Deputy President, I do seem to hear a lot of mumbling coming from the other side. I am just wondering if you might call those on the other side to order. I sit and listen to their rubbish—

The ACTING DEPUTY PRESIDENT (Senator Sterle): Senator Bilyk, just ignore the interjections.

Senator BILYK: Many chronic health conditions caused by obesity, smoking and alcoholism, such as heart disease, cirrhosis of the liver and various forms of cancer, can require expensive procedures such as transplants. If they get to the stage where they are untreatable, they require expensive palliative care. If we can avoid these unhealthy behaviours through effective education campaigns or general health promotion programs, we will not only prevent considerable suffering but will also decrease the cost burden on the health system.

Recently, I was the MC at a forum run by Palliative Care Australia and Kidney Health Australia, where they were talking about palliative care for patients with kidney disease. Treatment for chronic and end-stage kidney disease—including palliative care, transplants and renal dialysis—is expensive. Of course, it is important to talk about these treatments, and not every instance of kidney disease is preventable. But we know that several of the risk factors in kidney disease, or the risk factors in the progress of kidney disease to a later stage, are avoidable. Some of these risk factors include smoking, obesity and type II diabetes, and if some instances of kidney disease were prevented through campaigns to promote healthy lifestyles then surely that would cost far less than treating those instances through transplants or a lifetime of dialysis. This is one of many other examples of health conditions for which funding invested in prevention can pay enormous dividends in avoiding or reducing the need for expensive treatments.

Another example is haemochromatosis, or inherited iron-overload disorder. I am proud to say that I do a lot of work with the community organisation Haemochromatosis Australia, which does excellent work, with almost no government support, to promote awareness of this genetic disorder. While this is an inherited and incurable disorder, investing in relatively inexpensive screening for Australians can lead to treatment which avoids devastating symptoms such as organ failure which are far more expensive to treat. Additionally, the treatment is venesection or, simply, the taking of blood, which also improves Australia's low stock of donated blood.
In their submission to the Senate inquiry into this bill, the National Rural Health Alliance pointed out the benefits of preventive health and the need to sustain health promotion efforts. They said:

Preventive action costs relatively little but has been at the heart of Australia's status as one of the world's longest-lived and healthiest countries. Despite its undoubted benefit-cost ratio, only around three per cent of Australia's health dollar is currently spent on health promotion and illness prevention. It is to be hoped that the value of this three per cent will be monitored and that there will be a sustained effort to increase it.

To be effective, health promotion efforts need to be sustained through time. The experience with skin cancer prevention campaigns, for example, has shown that benefits can take many years to come to fruition. Work to tackle issues such as high levels of alcohol consumption and smoking, diabetes and obesity should have the benefit of being sustained.

These sentiments were echoed by the Royal Australasian College of Physicians, who submitted:

Long-term and well-planned preventive health measures are highly effective investments, and necessary to address many of the chronic health issues exacerbated by lifestyle related behaviours and choices. Chronic disease is rising in incidence in Australia and is placing increasing pressures on our healthcare system—both from a patient care and a cost perspective—and needs to be addressed.

But it is not enough that we simply invest in preventive health. Preventive health programs need to be well-targeted and nationally coordinated to be effective. This why Labor in government worked so hard to create a framework for national action on preventive health. We negotiated with state and territory governments to develop a National Partnership Agreement on Preventive Health to ensure that Australia's preventive health initiatives were coordinated across all states and territories. We established the Preventative Health Taskforce to develop a National Preventative Health Strategy.

The Australian National Preventive Health Agency provides important national leadership in Australia's approach to preventive health. I will go through some of the functions that this agency performs: it provides evidence-based advice to health ministers on key national level preventive health issues, either at their direction or by providing sentinel information about emerging challenges and threats; it provides national leadership and stewardship of surveillance and data on preventable chronic diseases and their lifestyle related risk factors in order to improve the availability and comparability of the evidence; it collates evidence available from a range of sources in order to assess and report biennially on the state of preventive health in Australia; it supports behavioural change through educational, promotional and community awareness programs relating to preventive health; it provides financial assistance to third parties to support the development and evolution of evidence around preventive health interventions and to achieve preventive health gains—for example, through grants supporting research; it forms partnerships with relevant groups, in industry, non-government and community sectors, to encourage cooperative action leading to preventive health gains; it promulgates national guidelines, standards, codes, charters and other frameworks to guide preventive health initiatives, interventions and activities; and, finally, it manages schemes rewarding best practice in preventive health interventions and activities.
The agency is focussing particularly on alcohol, tobacco and obesity, which, together, are responsible for around 40 per cent of potentially preventable hospitalisations for chronic conditions. Preventing these hospitalisations could potentially save the health system billions, yet the government has decided to introduce this bill to save $6.4 million—a paltry amount given the billions saved by preventable health measures. In fact, it works out to about 7c a year for every Australian over the forward estimates.

The government say that this agency is unnecessary red tape and duplication. They say that the functions of the agency can be performed within the Department of Health. This view is not only simplistic but, like almost everything else about this government, it is also incredibly short-sighted. It is important to have a dedicated agency to provide advice on preventive health because that advice needs to be independent and focussed on the long term, not just the budget cycle. With the axing of this agency, we will lose a great deal of knowledge and expertise with the loss of the agency's advisory council, various other expert committees and potentially the staff of the agency, as the government has not made clear whether the staff would be transferred into the Department of Health.

There are also very legitimate concerns as to whether the department would resource the functions of the disbanded agency to the same degree. I somehow doubt it. The department officials gave evidence to the inquiry into this bill that they have resources to employ approximately half the number of staff employed at the agency. The government must surely know that their decision to abolish the agency will also have the effect of decimating its functions. While Labor considers robust, independent advice to be an asset to government, the coalition seem to consider it a nuisance. But an independent agency is exactly what we need when it comes to the national challenge of preventive health and $6.4 million is a small price to pay for the benefits it brings.

The establishment of an independent agency to take the lead on preventive health initiatives was a recommendation of the National Preventative Health Taskforce. Having an independent agency ensures that the advice the government receives is based on sound evidence and not subject to political interference.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Sterle) (21:50): Order! I propose the question:

That the Senate do now adjourn.

Yvonne, Ms May

Senator EDWARDS (South Australia) (21:50): I rise tonight to speak of fond matters. It is fitting that I have a number of my South Australian colleagues here in the chamber, as well as you, Acting Deputy President Senator Sterle, from Western Australia and others from Victoria and Tasmania, as you all know that the wine industry is such an important part of our regional fabric. It also makes a significant economic and cultural contribution to Australia. It is supported by an incredibly tight-knit wine community. Having grown up in the Clare Valley, one of Australia's most well-known wine regions, and working in wine most of my life, I know firsthand just how close-knit the community is.
We recently lost a much loved member of the Australian wine family and I rise tonight to take this opportunity to acknowledge and commemorate the life of Yvonne May, who passed away on 29 August 2014 after a five-month battle with acute lymphoblastic leukaemia. Yvonne was Wine Australia's regional director for the United Kingdom and Europe, a role she had held since 2010. Wine Australia supports our wine sector and aims to build and strengthen the reputation of the industry, both here and in our major export markets. In that role, Yvonne demonstrated just how much can be achieved through tireless passion and tenacity. She made a significant contribution to Australian wine, particularly in our largest export market, the United Kingdom. A dedicated and well respected figure in the industry, the English born and bred Yvonne was steadfast in her advocacy of Australian wine from the outset of her career when, in 1992, she was appointed the UK and European marketing manager for Rosemount Estate, one of Australia's most well-known wine brands.

Her six-year tenure at Rosemount spurred a love for Australia, and her wines, that stayed with Yvonne long after she left the winemaker, and it became the defining theme of her career. In 1998, she established her own PR and marketing agency, Lindsay May Marketing, with husband, David. Regarded as the best agency in the UK for wine communications, Yvonne headed up the business for 15 years and cemented her place as one of the most influential wine professionals in the market.

In an overt display of passion, Yvonne felt for the Australian wine category. She only took on, as clients, those wine brands that she genuinely loved and admired. Yvonne became known for her positivity, her integrity and her forthrightness. It was these characteristics that were the driving force behind her many accomplishments at Wine Australia. Appointed to head up Wine Australia's UK team in 2010, the role had not been easy to fill and her appointment followed an exhaustive search.

Yvonne gave up her own lucrative business to take on the role and it brought with it a raft of challenges, as the sector faced a barrage of criticism in the United Kingdom and its surrounding markets. Tasked with weathering the storm of negative sentiment against Australian wine, Yvonne came into the role resolving that she would do 'everything in her power' to turn things around for the industry and to re-build Australia's perception in the UK market, with an increased emphasis on the quality and regionality of our wines.

No sooner were Yvonne's feet under the desk at Australia House, on London's famous Strand, she rallied the troops and used her great influence and relationships with the wine trade to remind people what was great about Australian wine, personifying our enthusiasm and directness, two of the qualities she loved so much about the Australian ethos.

Yvonne brought with her the renewed energy and optimism that Australian wine desperately needed. She was the embodiment of Wine Australia's values, taking the time to listen first, seeking to understand the needs of the industry and only then developing a strategy to address those needs. After such a long period when Australian wine seemed to be in limbo, Yvonne was a breath of fresh air, bringing innovation and new thinking to the table, while continuing to talk to winemakers and trade to ensure Wine Australia's activities remained focused.

Yvonne never stopped promoting Australian wine. A notable initiative that is sure to become an enduring legacy of her achievements was her reinvention of London's annual Australia Day Tasting, now considered to be the best tasting Australia has held in years.
Yvonne had impressive commercial acumen and vision. So great has her impact been on changing perceptions of Australian wine, today confidence in the category among the UK and European wine trade has never been higher.

For such a critical role in the support of a competitive and profitable wine sector, Yvonne led a relatively small team in London and, to them, Yvonne was an inspiration, a mentor, and for the Australians in the team who were so far away from their homes and families, a surrogate mother.

Since her passing, the tributes have been flowing in, with many sharing heartfelt memories of Yvonne and painting a picture of someone who was respected and loved by all. People have spoken fondly of her wicked sense of humour, her characteristic laugh, her ability to see the funny side of any situation and the good in everyone she encountered. They have spoken of how it was a true pleasure and honour to work with Yvonne, how she was one of a kind and how greatly they will miss her passion, her energy and her friendship.

An honorary Australian, there is no question Yvonne had a profound influence on our industry, not just professionally and as a colleague but personally and as a friend. Her zest for life was contagious and her passing will be deeply felt. It is a sad irony that someone who loved life so much should leave us so suddenly—and at only 53, much too early.

The Australian wine community is indeed a poorer one without Yvonne. While she will be sorely missed, our greatest disservice to Yvonne—who embraced life so enthusiastically, with both arms wide open—would be to reflect too much on the past. Instead, she would demand that we continue to look ahead, to be inspired to make wines of exceptional quality and to share those wines and our stories behind them with the world.

Shortly after joining Wine Australia, Yvonne was quoted as saying, 'Australia is where my heart is,' and as we honour her today and mourn her passing I know Yvonne is in the hearts of the Australian wine community, who she spent 25 years so passionately advocating for. Vale, Yvonne May. Australia will miss you.

Road Safety

Senator GALLACHER (South Australia) (21:59): I rise to make a contribution in this adjournment debate on a matter of great importance that does not get the significance in the federal parliament that it should: the national road safety situation. On average, four people are killed every day and 90 are seriously injured every day on Australian roads. Almost everyone has, at some stage, been affected by a road crash. In recent times, these numbers have been on a downward spiral. At the same time, road use has been increasing.

A number of very important initiatives have contributed to the management of this very significant economic issue, with tremendous social impact. Since 1989 there has been a steady decline through interventionary forces such as random breath-testing standards, speed policies, fixed speed cameras, random drug testing, the impounding of vehicles, hoon driving legislation, P plate restrictions and increased training for P plate drivers. While the P plater often gets a raw deal from the average motorist, it is important to recognise—particularly in some jurisdictions like South Australia—that 90 per cent of P platers actually go through their graduated licensing progression without a single infringement. It is simply the risk-takers in society—who take risks in every facet of their life and who engage in risk-taking in motor vehicles—who give P platers that less-than-enviable reputation.
We have safer cars. Cars are now built with electronic stability control, traction control and automatic brake assistance, but there is more to do. It is ironic that you can see a car advertised for sale in Australia that can park itself and that is seen to be a marketing initiative, when there is technology about that actually stops you from running into the car in front of you. It seems to me that emergency braking technology which would stop you from hitting something in front of you would be a more valuable thing for a vulnerable road user, or any road user, than a car that parks itself—because if you cannot learn how to reverse into a parking spot there is not a lot of hope for you. But the reality is that is what the industry does—they are marketing cars that will park themselves, when there is emergency braking technology which will stop you from using the vehicle in front of you. It would save the economy hundreds of millions of dollars that are chewed up in emergency rooms with whiplash injuries and the like.

We cannot just leave the industry to do what it does. Let us put this in context: since 1925, there have been 180,000 deaths on Australian roads. Unfortunately, in the year 2013 alone, we have lost 1,193 people. There is a significant number of people who are losing their lives and an even higher number of people have been injured, some catastrophically, requiring decades of long-term care and large amounts of insurance money set aside to provide for that care.

What we need is a proper strategy. We need a proper strategy driven by the federal government. It cannot be left to the state governments. Some states have road safety ministers; other states leave it to a public servant who may be the director. The economic costs of road crashes in Australia is estimated to be $27 billion. Add to that the devastating fact that children grow up without parents, brothers or sisters, and the cost to the health system is extremely high. Then you add in the cost of emergency services: fire brigades, police officers, ambulance officers and trauma teams in hospitals. They wait with dread, every long weekend in Australia, for the sound of a helicopter evacuating people from a crash in a rural area or the sound of ambulances coming in from a crash on a freeway in a major city or regional area.

This is a really significant issue. It is with this in mind that I, along with the Hon. Darren Chester, the member for Gippsland, co-convened the Parliamentary Friends of Road Safety. On Wednesday this week the Parliamentary Friends of Road Safety will be hosted by the Australasian New Car Assessment Program, ANCAP. They will be in the national parliament, getting people with an interest in road safety together to discuss the issues.

This issue has been around for a very long time. If you do any research on this at all you will find that Julius Caesar attempted to solve the problem in ancient Rome by banning horses and carts from dusk till dawn. You will find that there was a great horse manure crisis in 1894. There were more horses in London and New York than there was the ability to clean up after them. There was 1,200 metric tonnes of manure in New York in the 1890s. More importantly, the actual number of injuries from traffic accidents was 70 per cent higher than it is today.

My point is that this problem has been around for a very long time. There have been attempts to bring it under control and get it into the right perspective, but despite our successes it is still a huge problem for the Australian economy. It is a huge problem for the
Australian health system. A huge amount of law enforcement activity goes into mitigating behaviour on roads.

In my view, there is probably not enough backbone in the parliaments of Australia to call it for what it is. When people say that fixed point speed cameras are revenue raising, that is stating the obvious. They do raise revenue, but what they also do is change behaviour. No-one gets a $500 fine without thinking about it. No-one loses three demerit points without thinking about it. Behaviour is changed and it is changed for the better; people are more aware on the roads. The enforcement arm is very successful in a lot of ways. I would like to see this government—and it is the job of an opposition to tell them what to do and make suggestions about good policy—have a parliamentary secretary for road safety. They should be designating somebody in the federal outer ministry to take responsibility for road safety—to coordinate and drive some cohesive national policy which would build on all of the good work done in the states. It would build on, collaborate with and consolidate all of the excellent work that is done around the country in the area of road safety expertise, where there are many very high-quality contributors.

I think we ought to bite the bullet. Instead of allowing the marketplace to advertise cars that park themselves, we ought to be mandating emergency braking technology. We ought to be mandating the fact that the car you are driving will stop before it hits the car in front of you. We ought to be mandating lane assistance, so that if you cross over onto the wrong side of the road your car will correct itself. This technology is available. It is available in high-end cars in the world, as we speak.

If we are not going to make cars in this country, we ought to be making sure that cars that are sold in this country are the safest cars in the world. If, through this Australasian New Car Assessment Program, we were to mandate that the cars that come into this country have emergency braking technology we would save a lot of lives, a lot of injuries and a lot of money. If lane assistance was mandated people would not be having head-on crashes. They are an all-too-frequent event.

Whilst there is no silver bullet there should be a will in this parliament to take this issue on in a very bipartisan way and to get involved, at the federal level, with all of the stakeholders, to promulgate good policy, push it and carry it through irrespective of what party is in government. Road safety is too important an issue for us not to be bipartisan and collegiate on it. It affects every Australian community, and we should be doing a lot better.

**Animal Welfare**

**Senator RHIANNON** (New South Wales) (22:09): Circuses are not glamorous for circus animals. No matter how caring a circus animal keeper might be, the impoverishment and stress of a circus animal's existence casts a dark shadow over the glitter and glamour of the circus ring. No matter how hard a circus might try, the very logistics of circus life creates terrible images associated with grim historical times—of intelligent creatures pacing their lives in small barren cages, swaying their chains in deep loneliness, or swinging from manic hyperactivity to quiet depression. But this is not in the past; it is happening now, here in Australia.
I am sure most circus keepers love their animals, but the conditions of captivity and performance is unnatural and cruel. No circus can provide an appropriate environment for any animal, regardless of how well managed it is, and no matter how committed the circus is to stopping deliberate mistreatment.

Animals are compelled to constrain every impulse to flee to a quiet, safe place, instead being forced to perform manoeuvres against profound physical and psychological instinct, in front of crowds and within a constant roar of noise and glaring lights. And then animals are returned to impoverished confinement day after day, year in and year out. They suffer the stresses of transportation with cage movement, manual handling, loading and unloading, heat and cold. And on top of all this they have to suffer crowds and constant containment.

No amount of care from a keeper can remove the constant state of prolonged anxiety that circus animals must bear their whole lives. Both wild animals and those bred in captivity over generations, suffer terribly. Confinement in barren enclosures for long periods of time is well recognised and condemned as causing severe physical and psychological damage in all species, including humans. Lack of enrichment coupled with no ability to physically live, move, and behave according to a species’ being is terribly cruel. So is forcibly removing or isolating an animal from its bonded fellow species, or enclosing the animal in a space with non-bonded animals.

Another factor circus animals have to cope with is loud noise. Loud noise is a recognised stress factor in all species. Large cats in circuses develop gastroenteritis as a consequence of persistent, loud noise. Tigers' pacing has been measured as peaking by up to 80 per cent in the hour leading up to a performance and when on public display. High cortisol levels—signs of heightened stress and a need to flee—persist for three to six days in animals that have experienced travelling, and nine to 12 days in newly travelled tigers.

Elephants show similar stresses and abnormal behaviour, with swaying, weaving and head-nodding. They commonly suffer severe skin problems from lack of mud baths, and commonly suffer joint and hernia problems thought to result from unnatural positions forced during performance. Monkeys, bears and wild ungulates—any number of hoofed animals including horses, cattle and camels, among others—as well as other species, huddle and display hypervigilant and aversive behaviour when exposed to crowds and noise. Monkeys' self-aggression rises even when just moved from one cage to another, and circus monkeys have commonly been found to suffer from protein deficiencies.

Snakes in captivity have been found to have weakened immune systems, making them more susceptible to dying from infection and septicaemia. Low immune levels are attributed to the high noise and brilliant light during circus performances. Captive parrots display repetitive behaviour and vocalisations. Even pet parrots have been found to suffer high cortisol levels.

Domesticated circus animals that are transported are likely to develop fatigue, weight loss, restricted movement and disrupted feeding patterns. It goes on. Even adherence to the various standards around Australia that prohibit explicit cruelty do not remove the inherent cruelty that circuses can inflict on their animals—even their very loved animals. Animal suffering, for our entertainment and enjoyment of spectacle, has no place in society. Increasingly, communities around the world are acknowledging the implicit cruelty of animal circuses and have taken the step of banning exotic animal circuses, as is recommended by many of
Australia's animals organisations, including the RSPCA, which is charged with inspecting animals against the relevant standards. At least 30 countries around the world have banned the use of exotic animals and/or all animals in circuses, and in Australia more than 43 local councils have banned circuses with animals. I certainly congratulate them.

My colleague in the New South Wales state parliament, Greens MP Mehreen Faruqi, who is our animal welfare spokesperson in that state, has launched the Greens animal free circus campaign calling on the New South Wales government to ban animal performances in circuses. We certainly encourage more local councils to ban circuses with animals from setting up on their land. A ban on animals appearing in circuses, I believe, would be a win-win situation. The animal cruelty would end and circuses would have a new lease of life, attracting crowds back to their performances based on human skills in entertainment. That obviously would be a wonderful outcome. I believe it is an outcome we are moving more closely towards, with increasing numbers of countries and councils taking up this important issue.

**Motor Neurone Disease**

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (22:16): Earlier this month, alongside my sister Jan Robinson, I joined the ranks of millions worldwide who have undertaken the ice bucket challenge. As everyone in this place would know, the ice bucket challenge is an awareness and fundraising campaign. It sprouted in the United States as a campaign to raise funds for ALS, or motor neurone disease as it is referred to in Australia. In only a few short months it has become a global phenomenon that has attracted the support of cultural luminaries like Oprah Winfrey, Bill Gates and Britney Spears. Even Homer Simpson took a break from his busy 2D life to take part. For my part, I contributed $100 toward Motor Neurone Disease Australia. I nominated that the money should go directly to the organisation's research arm, the Motor Neurone Disease Research Institute of Australia, to help fund research efforts to fight this debilitating disease.

Today I would like to spend a little time talking about the disease itself and the reasons why I took the challenge on. Across the world there are thought to be 400,000 people living with motor neurone disease and, of these, 100,000 people will lose their lives each year. In Australia two people die from this crippling condition every single day, and in 24 hours another two people who have been living with MND will lose their lives to it. MND is a degenerative condition that affects the nerves that send signals to muscles. It is a rapidly progressing and ultimately terminal neurological condition with no known cure. From diagnosis, life expectancy is a very short 27 months, although around 10 per cent of people live for 10 years or more. Over time people with the disease will progressively lose the use of their limbs and the ability to speak, swallow and, ultimately, breathe. Their families face the devastating experience of watching their loved ones slowly waste away. Throughout the development of the disease, the mind and senses usually remain intact. Currently there is no cure for motor neurone disease nor is there an effective treatment. That is why it is so important to raise funds for research that will improve the quality of life of people living with MND and their families.

Today I would like to share with you the story of the person who inspired me to take on the ice bucket challenge. That person is north-west local Barry Pateman, or Lurch as I called him when we worked together at the Simplot factory in Ulverstone many years ago. Barry lives in
Burnie with his wife, Karen, and his two young children, Charlee and Ethan. He was diagnosed with motor neurone disease last year. Since then he has lost 43 kilograms and he is still deteriorating. He is now wheelchair bound and needs to be fed through a tube. His respiratory muscles have failed and he has to rely on his stomach muscles in order to breathe.

It was great to see the Leighland Christian School in Burnie, where Barry's children go, throw its support behind the Pateman family by staging an ice bucket challenge event at one of the school's Friday assemblies last month. Barry's six-year-old daughter, Charlee, kicked off the fundraising effort by tipping a bucket of icy water over her teacher, Melanie Watts—probably something that we all would have liked to do to our teachers at some stage. It is said that the reason for the icy water is that it mimics, if only for a fleeting second, the breathlessness and the struggle to get air that motor neurone disease sufferers can struggle with every day, and I can attest to that. Also present was Barry and his wife, Karen, who gave a heartfelt insight into the relentless reality of what life is like with the disease and how hard it can be for Barry just to do the basic things that all of us take for granted.

The day raised over $600 for Motor Neurone Disease Australia—a great effort. If the ice bucket challenge can bring us even an inch closer to a treatment or a cure of this cruel disease for people like Barry and his family, then I am proud to have taken part. Of course, there will always be doubters. Recently there has been a rash of criticism about the ice bucket challenge. Many have said that the message of motor neurone disease is getting obscured in a cloud of celebrity, stunts and selfies. While there may be an element of truth in this, it is impossible to ignore the incredible achievements of the challenge in raising funds for research and support for families living with this death sentence. It may be the most successful global fundraising effort the world has yet seen—and we cannot deny the outstanding results. Firstly, the influx of financial support for motor neurone support organisations has been simply massive. In the United States, the ALS Association recently reported additional funding of more than $110 million from three million donors in America. This is particularly remarkable when you consider that in a similar period last year the organisation had only received $2.8 million. The money will support the association's research, care services and public policy initiatives.

Ms Patricia Stanco, the regional care manager for the ALS Association Florida Chapter, recently gave a real insight into the true human value of these big numbers. She described her colleagues' reaction when they found out how much had been donated:

Jaws dropped. Tears formed. The group was overwhelmed and for a distinct moment, silent. I realized I was witnessing hope. It was so powerful—I will never forget it.

Similarly, the Motor Neurone Disease Association in the United Kingdom has received a staggering £6 million pounds from 750,000 donors. In just two weeks, they raised the equivalent of six month's income.

Back home in Australia, Motor Neurone Disease Australia has received $2 million from 47,000 Australian supporters. This is a massive 15-fold increase in the amount of money they would normally have expected to raise. The influx of funds has allowed Motor Neurone Disease Australia to initiate an Ice Bucket Challenge research grant which will start in 2015. There is no doubt that if the Ice Bucket Challenge was not around this would not have been possible. And across the world, the money is still pouring in. The cause of the degeneration in motor neurone disease is still a great mystery, but this global fundraising boost will make a huge difference to the research capacity.
The second benefit of the challenge has been a massive boost to public awareness. While motor neurone disease goes under different names in different countries, people are now learning more about the condition and its impacts on those living with it and their families. The challenge has very effectively elevated motor neurone disease into global consciousness. We should recognise what an achievement this is in a world that is awash with information and competing messages that seem to engulf us wherever we turn.

Cynicism is an easy response to things like the Ice Bucket Challenge that seems to have reached a critical saturation point. However, I would urge people who choose this critical response to have a second think—to think about the reality of this disease, which sentences people to a slow wasting death and offers no prospects of a treatment nor a cure; to think about people like Lurch and his young family who have had their lives torn apart and their future stolen; and then to think about what a world might look like that is free from motor neurone disease.

Senate adjourned at 22:24

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[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.]

Aged Care Act 1997—Aged Care (Subsidy, Fees and Payments) Amendment (September 2014 Indexation) Determination 2014 [F2014L01241].

Aged Care (Transitional Provisions) Act 1997—


Australian Passports Act 2005—Australian Passports Amendment Determination 2014 (No. 1) [F2014L01194].


Civil Aviation Act 1988—

Civil Aviation Regulations 1988—Instructions — GNSS primary means navigation (B787-8 aircraft)—CASA 245/14 [F2014L01210].
Civil Aviation Regulations 1988 and Civil Aviation Safety Regulations 1998—Civil Aviation Order 95.55 Amendment Instrument 2014 (No. 1) [F2014L01226].

Civil Aviation Safety Regulations 1998—
Exemption – foreign cadet pilots taking flight test for a commercial pilot licence – class 1 medical certificate—CASA EX117/14 [F2014L01229].

Exemption — navigation and anti-collision lights (Redjet Aviation)—CASA EX95/14 [F2014L01209].


Repeal of CASA EX53/12—display of navigation and anti-collision lights—CASA EX78/14 [F2014L01228].

Commissioner of Taxation—Public Rulings—
Product Rulings—Addenda to Withdrawals—PR 2006/57 and PR 2006/58.


Corporations Act 2001—
ASIC Class Order—CO 14/923 [F2014L01237].
ASIC Instrument—14/0911 [F2014L01243].


Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens – Queensland Gulf of Carpentaria Inshore Fin Fish Fishery (10 September 2014)—EPBC303DC/SFS/2014/36 [F2014L01213].

Amendment of List of Exempt Native Specimens – Western Australian Abalone Managed Fishery (9 September 2014) (deletion)—EPBC303DC/SFS/2014/30 [F2014L01207].

Amendment of List of Exempt Native Specimens – Western Australian Abalone Managed Fishery (9 September 2014) (inclusion)—EPBC303DC/SFS/2014/37 [F2014L01208].

Amendment to List of CITES Species (10 September 2014) [F2014L01214].


Threat Abatement Plan 2014 for the incidental catch (or bycatch) of seabirds during oceanic longline fishing operations [F2014L01196].


Higher Education Support Act 2003—VET Provider Approvals—
No. 33 of 2014 [F2014L01202].
No. 56 of 2014 [F2014L01203].

Judiciary Act 1903—High Court of Australia Rule of Court (9 September 2014) [F2014L01227].

Military Rehabilitation and Compensation Act 2004—
Military Rehabilitation and Compensation (Non-warlike Service) Determination 2014 (No. 2) [F2014L01231].
Military Superannuation and Benefits Act 1991—Military Superannuation and Benefits (Eligible Members) Declaration 2014 (No. 2) [F2014L01219].
Motor Vehicle Standards Act 1989—
Vehicle Standard (Australian Design Rule 31/02 – Brake Systems for Passenger Cars) 2009 Amendment 2 [F2014L01220].
Plant Health Australia (Plant Industries) Funding Act 2002—Plant Health Australia (Plant Industries) Funding Determination 2014 [F2014L01206].
Private Health Insurance Act 2007—
Private Health Insurance (Benefit Requirements) Amendment Rules 2014 (No. 4) [F2014L01235].
Private Health Insurance (Complying Product) Amendment Rules 2014 (No. 6) [F2014L01234].
Radiocommunications Act 1992—
Radiocommunications (Frequency Assignment Certificates) Determination 2014 [F2014L01193].


Indexed Lists of Departmental and Agency Files

Order for the Production of Documents

Pursuant to the order of the Senate of 30 May 1996, as amended, the Acting Deputy President (Senator Seselja) tabled the following documents received on the dates indicated:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2014—Statements of compliance—

- Foreign Affairs and Trade portfolio. [Received 12 September 2014]
- Immigration and Border Protection portfolio. [Received 11 September 2014]

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2014—Statements of compliance—

- Department of Education.
- Department of Human Services.
- Department of Social Services.
- Finance portfolio.

Estimates Hearings

Order for the Production of Documents

The following document was tabled pursuant to the order of the Senate of 25 June 2014:


Pursuant to the order of the Senate of 25 June 2014, the Acting Deputy President (Senator Seselja) tabled the following documents received on the dates indicated:

Estimates hearings—Unanswered questions on notice—Budget estimates 2014 15—Letters of advice—

- Agriculture portfolio. [Received 17 September 2014]
- Employment portfolio. [Received 11 September 2014]