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**SITTING DAYS—2015**

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<td>December</td>
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- **PERTH** 585AM
- **SYDNEY** 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

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

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
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<td>Back, Christopher John</td>
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<td>Bernardi, Cory</td>
<td>SA</td>
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<tr>
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<td>Brown, Carol Louise</td>
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<td>Colbeck, Hon. Richard Mansell</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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**Casual vacancy**

Pursuant to section 15 of the Constitution.

**Casual vacancy to be filled** (vice J Faulkner, resigned 6.2.15), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

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

**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon. Tony Abbott MP</td>
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<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon. Nigel Scullion</td>
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<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>The Hon. Charles Porter MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Alan Tudge MP</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime</td>
<td>The Hon. Warren Truss MP</td>
</tr>
<tr>
<td>Minister)</td>
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<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon. Jamie Briggs MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon. Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon. Andrew Robb AO MP</td>
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<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>The Hon. Steven Ciobo MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Trade and Investment</td>
<td>The Hon. Steven Ciobo MP</td>
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<tr>
<td>Minister for Employment (Leader of the Government in the Senate)</td>
<td>Senator the Hon. Eric Abetz</td>
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<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>The Hon. Luke Hartsuyker MP</td>
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<tr>
<td>Attorney-General</td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td>Minister for the Arts (Vice-President of the Executive Council)</td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Justice</td>
<td>The Hon. Michael Keenan MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon. Joe Hockey MP</td>
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<tr>
<td>Minister for Small Business</td>
<td>The Hon. Bruce Billson MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>The Hon. Joshua Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Kelly O'Dwyer</td>
</tr>
<tr>
<td>Minister for Agriculture</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>
</tr>
<tr>
<td>Minister for Education and Training (Leader of the House)</td>
<td>The Hon. Christopher Pyne MP</td>
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<tr>
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<td>Senator the Hon. Simon Birmingham</td>
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<tr>
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<td>Senator the Hon. Scott Ryan</td>
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<tr>
<td>Minister for Social Services</td>
<td>The Hon. Scott Morrison MP</td>
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<tr>
<td>Assistant Minister for Social Services</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
<td>Senator the Hon. Marise Payne</td>
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<td>Minister for Veterans' Affairs</td>
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<td>Minister Assisting the Prime Minister for the Centenary of ANZAC</td>
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<tr>
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<td>The Hon. Paul Fletcher MP</td>
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<td>Minister for Immigration and Border Protection</td>
<td>The Hon. Peter Dutton MP</td>
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<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td>Minister for the Environment</td>
<td>The Hon. Greg Hunt MP</td>
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<tr>
<td>Minister for Finance</td>
<td>Senator the Hon. Mathias Cormann</td>
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<tr>
<td>Special Minister of State</td>
<td>Senator the Hon. Michael Ronaldson</td>
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<tr>
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<td>The Hon. Michael McCormack MP</td>
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<tr>
<td>Minister for Health</td>
<td>The Hon. Sussan Ley MP</td>
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<td>Minister for Sport</td>
<td>The Hon. Sussan Ley MP</td>
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<tr>
<td>Assistant Minister for Health</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

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<thead>
<tr>
<th>TITLE</th>
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<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon. Kim Carr</td>
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<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>
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Thursday, 19 March 2015

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

DOCUMENTS

Tabling

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

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

COMMITTEES

Environment and Communications Legislation Committee
Environment and Communications References Committee

Meeting

The Clerk: Proposals have been lodged for committees to meet during the sitting of the Senate as follows: the Environment and Communications Legislation Committee for a private meeting today, from 1 pm, and a public meeting today, from 4 pm; and the Environment and Communications References Committee for a public meeting on Tuesday, 24 March 2015, from 5 pm.

The DEPUTY PRESIDENT (09:32): I remind senators that the question may be put on any proposal at the request of any senator.

BILLS

Defence Amendment (Fair Pay for Members of the ADF) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator LAMBIE (Tasmania) (09:32): Today this Australian Senate is presented with an opportunity to debate and vote for the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. I know that many Australians, including up to one million voters nationwide, are influenced by how this government treats our Australian Defence Force and veterans' families and will be interested in the contributions from senators in this chamber. This is simple private member's legislation I had drafted before Christmas which links pay for members of the Australian Defence Force with pay for Australian parliamentarians or to the consumer price index, whichever is higher.

The need for this legislation became obvious after this Liberal government, led by Prime Minister Abbott, announced a change in pay rates for members of our Army, Navy and RAAF which was in fact a pay cut after our nation's inflation rate was taken into consideration. It became clear to all fair-minded Australians that the system of determining wage rises for our diggers was broken and had to be fixed. The Defence Amendment (Fair Pay for Members of the ADF) Bill 2014 will fix the broken system which determines the amount of pay that members of our Army, Navy and RAAF are awarded.
This simple piece of legislation, if agreed to by the majority of senators in this chamber, will give members of our Australian Defence Force certainty and a guarantee that they will receive a fair pay increase, because this bill puts in place a minimum pay rise which at the very least keeps track with the consumer price index or politicians' pay increase, whichever is higher. Of course, the bill also leaves open the opportunity for politicians and their public servants to ensure that our Defence families receive pay rises greater than current CPI rates or the rates of pay increases for politicians. I was tempted to put in this bill a legislative mechanism that would ensure that our diggers received a pay rise greater than the CPI rate of the day or greater than the current rate of pay increase for politicians. However, I chose to be prudent and more than reasonable given the fiscal restraint all Australians are now being asked to show.

In short, this bill is reasonable and measured. It does not have any provisions that are excessive. If you believe that Australian Defence Force members deserve a fair go when it comes to calculating their wages then my private member's bill will be very difficult to vote against. There may be some from the government who, for mischievous reasons, may want to confuse the debate. They could say: 'The latest national CPI rate is 1.7 per cent and the government has agreed to a two per cent pay rise. Won't that mean we are voting for a pay cut for our military?' Of course, that assertion would be absolute rubbish. This legislation is flexible enough to allow the government of the day to increase Australian Defence pay by however much they want to. If the government wanted to decrease the pay then it would be the government's responsibility, not the legislation's fault.

The legislation is simple and puts in place a safety net which, we have seen from past governments, is desperately needed. At the moment, Australia is governed by mean-spirited leaders who regularly need to be exposed to the heat of a near-death political experience in order to melt the ice frozen to their hearts and the wax built up in their ears. Unfortunately for voiceless members of the Australian Defence Force, doing the right thing does not come easy for our nation's leaders. So that is why this private member's legislation is so important: it is to keep the bastards wearing blue ties honest.

There would be some members of the Senate opposite me who may have forgotten exactly when the 1.5 per cent pay offer, the effective pay cut for our military, was announced by the Abbott government. I remind those members that it was the day before last year's Melbourne Cup Day. Of course, the choice of this day was deliberate. It showed that the Abbott government knew that they were being dishonest and doing the wrong thing by our diggers. It was proof that the Abbott government hoped that the extraordinary media attention devoted to the race that stops the nation would cover up a government decision which shamed a nation.

Thankfully, support from ordinary Australians spontaneously emerged. My office was bombarded with emails from Tasmanians and other states expressing their disgust at Mr Abbott and his Liberal members and the lack of support for our diggers. This government underestimated the love and respect that our nation has for the members of our Australian Defence Force, 365 days a year—not just the few days of the year that some members of the Abbott government fake affection for our diggers and their families.

Following the news of the Liberal Party cut to members of the Australian Defence Force, I appreciated that fact that Labor leader Bill Shorten wrote to the Prime Minister Abbott and asked him to reconsider the pay offer. I also appreciate the fact that Labor have indicated that
they will support this legislation today, along with the Greens and many of my crossbench colleagues. So I sincerely thank them in advance.

In recent days and after a stunning electoral defeat in Queensland which was partly influenced by voters in a few key areas like Townsville and Brisbane—where there are high numbers of Australian Defence Force personnel, their supporters and their families—and pressure from their Liberal colleagues in New South Wales fearing a similar fate, this Abbott government belatedly chose to offer a further rise in our Australian Defence Force pay. This is my message to Prime Minister Abbott following his Defence Force pay backdown. It is relevant to today's debate on the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014 and touches on some of the broader defence issues:

Dear Prime Minister,

I note your decision on Wednesday 4th of March to ask the Chief of the Defence Force (CDF) to take a proposed pay increase of only .5% to the Defence Force Remuneration Tribunal, making for a total ADF pay rise of 2%.

In 2000 the Chief of the Defence Force (CDF)—the person you have just asked to increase ordinary diggers pay by .5%—received $305K p/a. The latest figures show that CDF in 2014 took home $764K. That means the person you have just asked to increase ordinary Diggers pay by .5%—in the last 14 years, own pay increased by almost $460K or 250%. Apart from the obvious embarrassment and humiliation you're subjecting the CDF to, isn't this just another indicator that the system for determining our Diggers pay is broken?

While you attempt to justify this less than fair pay rise, by comparing it to the current inflation rate of 1.7% - I remind you that the core inflation rate is 2.1% and current weighted median Consumer Price Index (CPI) rate is 2.3%.

I also remind you that Parliamentary Library background research I commissioned reveals that the average yearly rise in Defence Pays over the last ten years is approximately 3%.

This stands in stark contrast with the average yearly rise in politician's pay, which since 2004 and taking into account the last two years of 0% pay rise, is still almost 7%.

I'm sure that you would agree, that our Diggers, particularly of the last decade and half, have earnt a pay rise equal to that of our politicians.

So therefore I respectfully ask that you reconsider your pay offer to members of Australia's Defence Force.

It's my view that in making your decision to increase defence pay, you should consider all the facts. If you do so there is a very strong case to:

1. Strengthen the ADF pay increase by .5% to an annual rate of 2.5%, rather than 2%.
2. Ensure that all ADF members receive back pay calculated from the 4th of November 2014 or Melbourne Cup Day (the day after their effective pay cut was sneakily announced by your government)
3. Restore ADF Combat Pay or War Zone Allowance back to $200 per day instead of the reduced $150 per day allowance.

I request that you agree to a meeting to discuss these three important issues.

During that meeting I would also like to receive from you a guarantee that Diggers who have served for 20 years, and are therefore covered by multiple compensation acts, and who are now re-deployed to Iraq - are not (because of a bureaucratic provision called offsetting) at a disadvantage compared with younger diggers, if they are injured.
I've been reliably informed that veteran Australian Diggers who have served previously in East Timor, Afghanistan and Iraq - and who have recently been redeployed to Iraq, compared with younger Diggers covered by only one compensation act - can receive compensation payments up to 10 times less, should they be injured during this new deployment.

It's my view that if you properly consider these four issues, you can only come to the conclusion that members of our Defence Force are not being fairly paid or compensated. I would hope that our meeting would find a resolution to these important matters.

**Making our own position safe at home.**

While I believe that we both share common feelings about Islamic State and the great evil they have brought to this world - I strongly disagree with your decision to send members of our ADF to Iraq in response to their attacks.

Forcing Australian Tax payers to pay for Australian Troops to be sent back into harms way in Iraq, given that America has only deployed about 3000 troops, is not a wise decision.

At best it will be a "flag flying" exercise. At worst we run the risk of supposedly friendly Iraqi troops betraying our Diggers and killing them - or handing them over to Islamic state forces who will use them to make further horrific online videos.

I believe that a prudent response to the threat Australia faces from Islamic state is to dramatically increase the size and capability of the Australian Defence force and that we should make our own country safe, before we try and make countries like Iraq, Syria, Lybia and North Africa safe from Islamic state fanatics and death cult members.

In advocating for that course of action, I draw your attention to the war-time experience of Prime Minister John Curtin, as described by Bob Wurth in his book "1942".

You will recall that following the Japanese Air Raids in February 1942 on Darwin, which killed 243 people and wounded more than 400 Australians, Prime Minister John Curtin received a cable which said that Churchill, acting without Curtin's authority had already diverted Australian "troop ships to Burma"- leaving our Nation more vulnerable to Japanese attack.

John Curtin is then reported to have told his friend the biographer Lloyd Ross: "its the proper fate of a country which has not built up its own defences. The proper fate of a country which always fights someone else's war, without making its own position safe."

Its my view that as a Nation we're now making the same mistake that Prime Minister Curtain spoke about at the beginning of WW2, namely that, "We're being be drawn into a war and fighting someone else's battles, without making our own position safe at home."

We need to address this problem in an honest manner—and start with a critical look at the numbers and capacity of our ADF.

**Too few members of our ADF and combat troops on anti-psychotic medication**

Our shocking Veterans' suicide and homeless rates which your government continues to cover up - is a direct result of successive Australian Governments asking too few members of our ADF to shoulder the burden of prolonged commitments in the Middle East war zones.

It's my view that many younger veterans who take their lives or end up homeless, will have spent 3 plus years or more in the War Zone in the space of a decade. This prompts the question:

What is the maximum period of time a combat troop can serve in a War Zone, before they are guaranteed to suffer psychological harm?

Some young veterans I have meet have in 13 or more years of service completed 10 combat deployments or tours of duty in war zones.
And while you can't criticize the commitment and love that these young men and women have for Australia, you can criticize the politicians and high ranking members of the ADF who know that we didn't - and still don't, have enough full time members of our military to safely commit our Nation to prolonged military engagements in Middle East war zones.

Senior ADF medical officers have personally confirmed to me that ADF members are allowed to enter War Zones armed, while officially receiving anti-psychotic medication.

Surely these well known facts would lead any reasonable person to come to the conclusion that we don't have a large enough permanent defence force?

And that to meet the threat posed to western civilization by Islamic maniacs who want to drag us back into the dark ages, then its time to dramatically increase the numbers and capacity of our ADF.

We could begin the process of boosting the numbers of our defence force by re-introducing a National Service Trade and Traineeship program. This would not only boost the capacity of our ADF but it would also address the dual problems of youth unemployment and national skills shortage.

Closing - Important Veterans' Questions

In closing, I have been contacted by older veterans with strong connections to our serving ADF members being deployed to the Middle East.

They have requested that I ask you these confronting but relevant questions in relation to the Australian Soldiers preparing and being sent to train and assist Iraqi troops:

1. Do they receive the same combat pay or war zone allowance as the initial cohort of soldiers redeployed to Iraq?

2. Have they received instructions to the effect that: "whatever you do save your last bullet for yourself, don't get captured"?

3. If these soldiers are being deployed armed and warned not to get captured – can you explain why they have been denied the benefits associated with full war like service - and full combat pay and allowances?

4. Has the Australian government deployed these ADF personnel using diplomatic type passports? If so, can you explain why?

5. Are they being warned to discretely advise their families in Australia to be on the lookout for, or vigilant against Islamic state supporters who may be gathering intelligence for future terrorist attacks?

6. If not, why not?

7. Are ADF personnel on Australian Military bases authorized to use their weapons to defend themselves when or if, they are attacked by terrorists?

8. If so, can you describe the chain of command and name who is responsible for authorizing our ADF personnel to arm themselves and use lethal force to defend themselves and others against terrorists attacks?

9. In relation to armed ADF members being authorized to use lethal force, in an emergency or terrorist attack, how long does their lethal force authorization last?

While I will also officially submit these questions as QON, I would appreciate if you provided answers as soon as possible and before the 30 day deadline.

Today I have tried to ask some of the important questions and described some the enormous and deadly challenges faced by serving and former members of our Defence Force. The job before them is one of the most complex, important and hardest that our nation not asks but demands of it citizens. To do the job of a sailor, soldier or member of the Royal Australian Air Force requires extreme courage, dedication, discipline, perseverance, love and loyalty to
our country. The least we can do as law-makers is to ensure that they receive a fair day's pay for their extraordinary, unique service to this country. I commend this bill to the house.

Senator BERNARDI (South Australia) (09:50): I rise to speak on the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. To be frank, I am somewhat surprised that this private senator's bill has not been withdrawn, notwithstanding Senator Lambie's abiding interest in this and notwithstanding her service to our country in the Defence Force. But I would point out that there are many in this place and in the other place who have served with distinction in our Defence Force. I look over my left shoulder and I see Brigadier Linda Reynolds. We have another Brigadier in Andrew Nikolic in the other place. Indeed one of the assistant ministers, Stuart Robert, has served. They are just three who have a deep and abiding interest and a commitment to supporting our armed forces and our Defence personnel. You do not even have to have served in the military to have enormous respect for those who choose to do so. I am in awe, quite frankly, of the servicemen and women who are prepared to give their all on behalf of our freedom. They stand in a great tradition and I stand with them albeit as someone who has not served.

With respect to this bill, some of the assertions that have been put forward by Senator Lambie are simply wrong and her draft bill will not achieve what she is seeking to achieve. I understand that Senator Lambie is concerned about Australian Defence Force pay—many of us are. But her bill to link ADF pay to politicians' pay or inflation as it is now, whichever is the higher, would most likely see no advance in ADF pay other than that which has occurred already. In actual fact, a case could be made that if this bill were successful, there could actually be a decline in ADF pay for personnel. The question arises: why is this? Let me explain.

First of all, parliamentary salaries are currently frozen. Parliamentarians will receive no pay rise in 2014 or in 2015. So if you were to tie ADF salaries to parliamentarians' pay at present, ADF personnel would get a zero increase. It is not the first time we have had a zero increase. A couple of years ago we had a zero increase as well, and who is to say what may happen in the future?

Secondly, Senator Lambie quotes some consumer price index inflation figures but she fails to look at the forward forecasts and the low inflation—in fact some would suggest deflationary—environment in which the world currently finds itself. Inflation for the year to December 2014 was 1.7 per cent. The Reserve Bank of Australia is forecasting inflation to June of this year to fall to 1.25 per cent. The National Australia Bank's forward-looking forecast has a rate to December of this year of only 1.2 per cent. Once again, I say that we are experiencing what the rest of the world is experiencing—that is, a deflationary environment.

So ADF members, who were awarded a 1.5 per cent increase last November, which will be lifted to 2 per cent from March—assuming that Defence Force Remuneration Tribunal agrees with the government's proposal—are already keeping level with or doing slightly better than current inflation rates, which is unlikely to be more than two per cent for the foreseeable future. Were inflation to come into under two per cent—say, as forecast by the National Australia Bank, around 1.2—under Senator Lambie's bill, ADF personnel would get less than what the government is already proposing. So the two per cent per annum pay rise already on offer to the ADF personnel from the government is likely to be both better than inflation and better than what parliamentarians end up receiving. Therefore, it will be better than what
would be delivered by Senator Lambie's formula. In fact, if you look at the pay rises awarded by the Defence Force Remuneration Tribunal over the past 10 years, they have averaged more than inflation. ADF pay rises under the workplace remuneration arrangements have totalled 38 per cent in simple addition terms, whereas CPI increases have totalled 28 per cent. So I would caution the Senate, and I would caution Senator Lambie, about being too keen to link ADF salaries to the CPI. If history is anything to go by, this would erode their advance very rapidly.

I would also like to deal with some of the misconceptions. Senator Lambie's press release announcing her bill underestimated ADF workplace remuneration agreement pay rises over 2005 to 2014. Between those years, ADF personnel have received increases of 32.8 per cent, an average increase of 3.28 per cent per year, which is marginally more—0.28 per cent—than that cited by Senator Lambie. Moreover, the large increase in remuneration for parliamentarians in 2012, which was included in Senator Lambie's calculations and purported to show that parliamentarians had done better than ADF personnel, resulted from a comprehensive work-value review. It is not dissimilar to the Defence Force Remuneration Reform Project, in 2007-09, which reformed ADF pay structures and resulted in many ADF members receiving increases from previous pay points.

If this work-value review is removed from the equation, ADF wage increases have actually been virtually equal to parliamentarians' wage increases in the 2005 to 2014 period selected by Senator Lambie. Parliamentarians' pay rises between that period awarded by the Remuneration Tribunal totalled 33.2 per cent, whereas ADF pay rises in this period totalled 32.8 per cent, meaning that there is less than half a per cent difference over the decade.

So, over the last decade, as it happens ADF wage increases have broadly reflected those received by parliamentarians. This does not count the advances between pay points or the promotions received by ADF personnel. So I do not see what Senator Lambie's bill will actually achieve. And, of course, at the moment parliamentarians' pay is frozen, whereas ADF personnel will get a two per cent increase over the next three years. I should also note that the Remuneration Tribunal has a long-held view that setting remuneration for one office by reference to another office does not lead to defensible or meaningful wage outcomes.

To recap, increasing the ADF pay offer to two per cent per annum will increase the likelihood going forward that ADF members do better than inflation and better than parliamentarians. I do not doubt that Senator Lambie is concerned about the issue of Defence Force pay. However, I think she needs to get the perspective right and she needs to get her assertions correct. It must also be remembered that salary is only one component of ADF remuneration. ADF personnel receive and deserve decent superannuation, competency based allowances, free medical and dental treatment, subsidised housing and a range of other benefits. ADF personnel involved in war-like operations receive a full tax exemption on their income. All of these, I reiterate, are absolutely right and proper, and, I believe, entirely well deserved.

Significantly, Labor supports the government's new policy of a two per cent per annum offer to ADF personnel. The Leader of the Opposition, Mr Shorten, in a media release dated 4 March 2015 said that 'Labor welcomes the decision.' At question time on the same day he also said that Labor welcomes the decision. In a press conference that same day, Senator Conroy, the shadow defence minister said:
Labor welcomes this decision today to recognise the unique service of Australia's Defence personnel.

... ... ...

We think that this is an excellent decision ...

Ms Brodtmann, the shadow parliamentary secretary for defence, also said 'we welcome this decision'. The conclusion is that Labor welcomes the government's decision.

That being the case I cannot imagine that the Labor Party will be supporting the bill currently before the Senate, because it would throw the government's two per cent per annum pay offer to ADF personnel into doubt, and it could in fact put ADF personnel in a worse position.

The coalition recognises the unique nature of military service and the sacrifices made by Defence personnel and their families, and we have had a strong record of supporting those who serve in our name. I make the point again that we have a number of people in the coalition who have served our country and our nation with absolute distinction. I think they provide a fantastic insight for the coalition into the serving conditions of our military personnel. As a consequence of that, the coalition has already delivered on substantial initiatives which assist ADF members and their families. In January 2014 the coalition delivered the ADF Family Health Program to more than 70,000 eligible dependents of ADF members. Under this program, eligible ADF dependents were reimbursed for all out-of-pocket expenses for GP services. Additionally, each ADF dependent is able to claim back up to $400 per year for allied health services such as dentistry, physiotherapy, psychology and podiatry. Importantly, families are able to pool their allocations to enable greater support for an eligible dependent with higher needs. The program has seen ADF dependents enjoy supported access to over 100,000 allied health and GP consultations, and this program demonstrates the government's commitment to supporting ADF members and their families.

The government's priority is also to ensure we have in place the mental health services and support mechanisms that are needed for veterans, ADF personnel and their families. With the increased operational deployment of the Australian defence forces over more than a decade and the draw-down of ADF operations in Afghanistan more recently, we need to better understand the physical, mental and social health needs of both serving and ex-serving personnel. In June 2014 the government provided $5 million to fund the Transition and Wellbeing Research Program—a crucial study into the mental health and wellbeing of service personnel and veterans. This program is the largest and most comprehensive program of study undertaken in Australia to examine the impact of military service on the mental, physical and social health of serving and ex-serving personnel, and their families, who have been deployed to contemporary conflicts.

The Australian government is absolutely committed to ensuring ADF members are provided with the best possible health care. As part of this objective, the government launched the new $133 million Defence eHealth System in September 2014. This system links ADF members' health data from recruitment to discharge and improves the availability of accurate, up-to-date health data to Defence members' treating clinicians and their health care providers. Importantly, it will also allow health information to be easily and accurately passed to the Department of Veterans' Affairs as well as to civilian health providers.

The government has announced that it will provide a full income tax exemption for the pay and allowances of ADF personnel deployed on operations MANITOU and ACCORDION.
This was outlined in the government's Mid-Year Economic and Fiscal Outlook 2014-15. This change will align the tax treatment for all ADF members who serve on any of the operations across the Middle East region. Given the continuing disparities in the taxation arrangements for ADF personnel in the Middle East region, namely in relation to ADF personnel deployed on Operation OKRA, the Treasurer decided to allow a full income tax exemption for the pay and allowances of all ADF personnel deployed on that operation.

On 17 July 2014 the government delivered on its commitment to repeal the carbon tax. The coalition's legislation took effect from 1 July 2014 and ensured the burden of the carbon tax was removed from Defence personnel—as it was for families and individuals right across the country. Let us remind ourselves that under the Labor government the carbon tax was applied to everyone in the country, and the ADF were not immune from that. The Gillard government specifically regulated to ensure ADF personnel were hit by the cost of the carbon tax from 1 July 2012, and the ABS statistics show that that alone resulted in electricity prices rising by 15 per cent and gas prices rising by 14 per cent. These costs of course are passed onto ADF personnel utilising on-base, long-term and temporary accommodation. So scrapping the carbon tax has been a benefit for everyone in the country.

The coalition recognises that reserves are an important component of Australia's Defence Force. We have long supported the unique skills that reservists bring to Defence and have always supported the important work reservists carry out in order to meet the ADF's objectives both at home and abroad. There are approximately 47,000 reservists, and since 1999 over 21,000 have deployed on operations in locations in the Middle East, Timor Leste and here at home supporting disaster relief efforts. On 30 June 2014 the government announced reserve allowance reforms that reduced red tape and further recognised reservists' service obligations and contribution to capability.

This reform aligned reserve allowances with permanent ADF members' allowances and reduced the administrative burden associated with processing reserve allowances. On 25 August 2014, in recognition of the increasing integration of reservists into ADF operations, the coalition government also launched the trial Reserve Assistance Program. This program runs until 30 June this year and offers a comprehensive range of mental health and wellbeing support services.

Let us not forget it was the previous coalition government in 2001 who introduced landmark legislation to protect the rights of reservists in civilian employment and education. It was also the previous coalition government that created the Defence Home Ownership Assistance Scheme in 2007, a scheme that provides ongoing incentives for both regular and reserve personnel to join and remain in the ADF. It was the previous coalition government who introduced the financial support scheme for employers to help offset the costs of releasing employees for Defence service along with implementing Exercise Executive Stretch, which is aimed at senior, middle and line management to show and involve them in the types of invaluable skills that can be gained through participation in ADF Reserves.

We have a good track record and I think there is no higher priority for a coalition government than ensuring our national security and that means supporting our ADF personnel. It was the Howard government upon its election in 1996 that first went about repairing and rebuilding Australia's modern defences. In the 13 Labor budgets between 1982 and 1983, and 1995 and 96 Labor cut Defence spending by 8.9 per cent in real terms. After
the debt and deficit that was a consequence of the Hawke and Keating years, repairing the federal budget was a first priority but the Howard government recognised that a strong economy is critical to funding a strong Defence Force. Importantly, the Howard government quite rightly quarantined Defence from its initial budget repair work. Over that time, our economy stabilised and we grew the budget from $10.6 billion in 1995-96 to $22 billion in 2007-08, a 47 per cent increase in real terms. We wanted to provide funding certainty and assist the long-term planning needed when building capacity in Defence and that is why we released the 2000 Defence white paper, which committed to three per cent real growth for the defence budget over the following 10 years.

Once again, like Groundhog Day, a recently elected coalition government found itself needing to repair the budget and to stem the bleeding in the Defence portfolio caused by Labor’s cuts. Let us remind ourselves that Labor cut $16 billion out of Defence through deferrals, through absorbed costs in the 2009 to 2022 period. As a proportion of GDP, Defence expenditure fell from the coalition’s 1.75 per cent of GDP to 1.56 per cent of GDP in 2012-13. This was a figure not seen since 1938. Labor’s cuts to Defence in the 2012-13 budget alone were worth $5.5 billion. That saw the largest single-year decrease in Defence expenditure, a massive 10.5 per cent, since the end of the Korean War in 1953. When Labor left office, Defence expenditure was forecast to remain below 1.7 per cent over the next decade. These cuts came despite Labor ministers stating on at least 38 separate occasions that Labor was committed to three per cent annual real growth in the Defence budget.

The coalition government has stated it will take a measured and purposeful approach to rebuilding Australia’s defence forces. It is committed to increasing the Defence budget as a proportion of GDP to two per cent over the coming decade. We have provided a down payment on this commitment when this year’s budget delivered a 6.1 per cent increase in funding to Defence. We are providing Defence with $29.2 billion in 2014-15 and will provide $122.7 billion over the forward estimates. The leadership and support provided to Defence by the coalition is what the Australian people are entitled to expect from the federal government and we will provide it because we understand the critical role that the Defence Force plays in ensuring our security in an uncertain world.

To conclude, while strongly supporting the serving men and women of the Australian defence forces, the coalition does not support Senator Lambie’s private senator’s bill. Senator Lambie's bill is the wrong solution to a problem that does not actually exist. The bill will be unnecessarily complex and, if enacted, will have a number of unintended consequences some of which, I think it is fair to say, even Senator Lambie does not intend to create. Finally, the government's move to increase the ADF pay offer from 1.5 per cent to two per cent will now provide an even higher pay increase for ADF personnel than what is provided for by Senator Lambie's bill. I would encourage the Senate not to support this bill.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (10:09): I rise today to speak on the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. Can I start off by responding to Senator Bernardi and admonishing him for selectively quoting from a press conference that I did. It is very disappointing on an important issue like this to see selective quotes being used to try and support Senator Bernardi’s argument. I made it very clear in that press conference that we welcomed the government's decision not to cut the real
pay of our defence personnel, but I made it clear that it is only the first of the three years of the deal where this will be the case.

On the government's own inflation forecast, two per cent will again be a real pay cut, if 2.5 per cent is the expected inflation rate next year. That is the government's forecast. I accept that it can vary, but let me be very clear. What I said at that press conference was that, if we believed as the inflation numbers rolled in that the government were going to again cut the real pay, we would be coming back to debate it with them. We would not be satisfied with allowing the government to cut next year's pay in real terms, or the third year's pay in real terms. So, while we do welcome the government's decision to reverse its cut, we are not saying that we are signed up to the deal over the full three years, because if inflation is exactly what the government has forecast it to be they will again be cutting the real wage of our defence personnel.

Can I indicate Labor will support this bill. I know there are a number of senators who want to speak on this bill, so I will keep my contribution short. We are here today because the government betrayed the men and women of the ADF when they decided last year to cut their pay. This bill, as a minimum—a minimum: this is the point that needs to be made very clear—links ADF pay to the higher of the increase to CPI or parliamentary allowances. This puts in place a floor that ADF pay cannot fall beneath. Through this bill, our ADF personnel know that their pay will, at the very least, always keep up with the cost of living. Nothing in this bill stops the government of the day providing a higher increase, which is what it has been dragged kicking and screaming to do. But it will prevent the government from doing what the Abbott government so callously did last year, and that was to cut the pay of our service men and women.

We are supporting this bill because this government cannot be trusted to do the right thing. Yes, as I have said, the Prime Minister, with his leadership under increasing threat, was dragged kicking and screaming to increase the government's defence pay offer from 1.5 per cent—a real cut—to 2.0 per cent, an increase. But the government did not do it because they believed it was the right thing to do; they did it to save Mr Abbott's leadership. But this bill ensures that, if inflation moves above this belated pay increase, the ADF will not be worse off.

A future Labor government will undertake a full review of the process for the determination of ADF pay to ensure that it is effective and transparent and properly takes into account the unique nature of military service. Some history here is important. After promising not to cut defence funding before the election, the coalition government cut ADF pay at the first opportunity. In 2012 the Prime Minister told the RSL National Conference:

A “fair go” is the least a grateful nation can offer to serving and former military personnel.

A fair go is not cutting the ADF's pay. A fair go is not cutting ADF Christmas leave and other allowances.

In October last year, reports began to emerge that the government was offering an unfair and below-inflation increase of 1.5 per cent a year across the three-year agreement. This pay cut came into force in November, just before Christmas. This disgraceful deal was explained away by the Prime Minister as a way to drive down the pay and conditions of all Commonwealth public servants. That is right: this offer not only ignored the unique nature of
military service but was a designed political strategy to attack all public servants using our military personnel as a battering ram.

ADF personnel have a special place in our society, but, unlike other workers, they cannot bargain, speak out or strike for better pay. That is a fundamentally different place from that of other workers in Australia. As the member for Fisher rightly pointed out when he criticised the Prime Minister's pay decision: 'ADF personnel are not your typical public servants.' Our service men and women undertake unique, demanding and often dangerous work on behalf of all Australians. They put their lives on the line with dedication and courage to ensure Australia is safe. Right now we have ADF personnel deployed overseas supporting international efforts against Daesh in Iraq and the Taliban in Afghanistan. We also have them working on the high seas against drug traffickers. The ADF has been working tirelessly, supporting Australians affected by the recent natural disasters in Queensland and the Northern Territory. And they are doing the same today, supporting our friends in Vanuatu. This is why we have seen such a community backlash at the government for cutting the pay of our ADF personnel.

Australians instinctively respect and understand the ADF's contribution to our society. That is why it has not just been Labor that has been outraged by the Prime Minister's decision. Senator Lambie has been extremely vocal in her calls for the Prime Minister to pay the ADF more, and it is her bill that we debate today. Other crossbenchers have done the same. But this is an issue on which the community has also made its voice heard. The RSL and the Defence Force Welfare Association have pushed hard against this pay cut. And so have ADF families; they, more than anyone else, know how shameful this decision was.

I was proud to be able to receive a petition from Tony Dagger, whose son is in the army. Mr Dagger's petition called for a fair pay deal for ADF personnel and, in less than two months, it received more than 60,000 signatures.

But, as we have seen, with policy backflip after policy backflip, this Prime Minister only acts when his own job is at risk. He did not listen to the opposition leader when he wrote to him twice before the end of last year asking the Prime Minister to reconsider his unfair offer. He did not listen to opposition members and senators when they called on him to reverse the decision. He certainly did not listen to the minor parties. He did not listen to Senator Lambie. He did not listen to Mr Tony Dagger and his 60-thousand-strong petition. He did not listen to the soldier who said that the deal was 'essentially a kick in the teeth to every soldier, airman and sailor'. He did not listen to the RSL. He did not listen to the Defence Force Welfare Association when they told him:

The feeling within the Australian Defence Force … is as negative as I've ever seen it.

All of these groups and people pressured the Prime Minister over the unfair pay deal. They all told him this pay cut was the wrong captain's pick to make. But make no mistake: the only reason Tony Abbott backflipped on ADF pay was to save his own job. He was not interested in how his decision affected ADF personnel; he was only interested in his own job.

The government's new deal is an improvement. At two per cent, it is above the current inflation rate. The bill does not stop the government offering above-inflation pay deals. As I have said previously, this bill provides for a floor so that ADF personnel know they will not again get a below-inflation pay deal.
This bill should not be necessary but, because of the meanness and the unfairness of this government, it is. I urge all senators to support it.

Senator LUDLAM (Western Australia) (10:20): The Greens rise to support Senator Lambie's bill, the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014, and I am glad that it has been brought forward. Senators may remember—I think it was probably in the last or the second last sitting week of the 2014 parliamentary year—that we attempted to suspend standing orders, because at that point it looked as though the Prime Minister was planning on ignoring the calls from across the political spectrum and across the community. With some regret, we saw the suspension motion fail and we were not actually able to get on with substantive debate on the bill. I want to thank Senator Lambie for bringing this forward today, and I look forward to committing this bill to a vote.

When you consider that the annual national Defence budget is slated to grow to around $30.7 billion by 2016 and that the government is in the middle of two of the largest capital acquisition projects probably in the history of defence—the acquisition of the F35 Joint Strike Fighter and the highly-contested and divisive process that has been rolling for years around submarine procurement—the idea that the Prime Minister thought it was appropriate within weeks of committing ADF elements back into Iraq to offer a below-inflation pay deal and then stick to it was extraordinary.

What this bill does, rather than fixing a three per cent figure, is basically make sure that this can never happen again—that a Prime Minister or a government of the day, faced with budget circumstances entirely of their own making, would take a cohort of people, who from time to time will be called on to risk their lives or serious physical or mental injury in the line of their ordinary course of duty and who have no industrial representation. They cannot actually get their unions to go out in front, they cannot go on strike, and they basically have no real recourse. The passing of this bill will ensure that this can never happen again. The government will not be limited in the upper limit of a pay offer it could make to ADF personnel, but it would prevent the Prime Minister of the day doing what Prime Minister Tony Abbott tried to do, which was to offer a below-inflation pay increase to people who really have no recourse and no way of contesting that kind of appalling decision.

The Australian Greens believe that we have, essentially, a twofold obligation to our serving personnel. The first is that we should never deploy them unless it is absolutely necessary. We are well aware that in the past 15 years the ADF have been deployed into three wars of choice. I do not propose to get into arguments about where that decision should lie, or even the merits of those particular deployments. But we owe it to them—in fact, I think it is our highest responsibility—not to throw them into harm's way unless there is the very best possible reason for doing so. Obviously, we strongly disagree with some of the decisions that have been made in the recent past.

The second obligation we owe them is to look after them, both while they are on deployment and particularly when they come back. For anybody who is not aware of what I am talking about, view a Four Corners program that ran not long ago, or read Major General John Cantwell's book Exit Wounds, to get a vivid insight into what happens to some of these people who have been exposed to horrific violence—and these are some of the most highly-trained and disciplined people the ADF has—who, when they return, are basically unable to
decompress and assimilate the things that they have seen and done, having been at very close quarters to people being killed or injured, or having suffering horrific injuries themselves.

One of the things that I was not aware of until that *Four Corners* piece was the fact that it may well be that suicide deaths of personnel after they have returned from deployment may be three times higher than the 41 combat deaths that Australia suffered during the Afghanistan conflict. The most distressing thing is that we do not actually know if that is true. It could in fact be higher. So people return with these invisible wounds and then they are actually, in many instances, very poorly treated, partly by the culture of the ADF, in which it is seen as a sign of weakness to admit that you are having a rough time, and partly by the intense bureaucracy. In one instance, DVA cleared one young soldier's payout and assistance two weeks after he killed himself. We are tying people up in a paralysing web of bureaucracy when actually they need our help.

I guess that second point is the idea that we have an obligation—not that parliamentarians in this place ever put their names to a motion to deploy, because of course that power still rests with the Prime Minister's office. But nonetheless it is amazing TV fodder for politicians to wrap themselves up in the flag and stand in front of the troops before sending them off into harm's way. But it is much harder to find politicians who will stand up for people who are suffering inordinately once they return home. It is that obligation to take care of these people that I think Senator Lambie's bill goes through today.

I think it is entirely responsible—rather than setting a hard and fast rate of pay increase, which we do not really do for any other cohorts—that we set effectively a rate that would float and would not be allowed to fall below the rate of inflation. Linking it to politicians' pay is cheeky, but nonetheless it is one way of ensuring that these people are not forgotten.

So the Australian Greens are pleased to support this bill. I look forward to committing it to a vote, and I think this debate can usefully be used as a way for those who have collectively sent soldiers into war, particularly those who turned up at the press conferences or spent—as I was very fortunate to do—a couple of days on deployment with them, to learn a bit. Politicians enjoy the political limelight, such as it is, but we should ask ourselves, 'What have we done since for these people?' particularly when we are given an opportunity, as we are being given this morning, to ensure—which is one of the least things we can do—that these people are paid fairly.

**Senator REYNOLDS** (Western Australia) (10:27): I too rise today to speak on the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. On 1 December last year, I rose in this place to speak on the initial ADF pay offer of 1.5 per cent per annum. At that time, I noted the budget constraints and the need to make tough decisions in today's fiscal environment, but I also noted the requirement to ensure it was a fair and reasonable outcome in the circumstances. Earlier this month, after quiet but persistent lobbying by me and many of my coalition colleagues, a fair and reasonable offer was proposed to the minister.

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**The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson):** Order! I remind—

**Senator REYNOLDS:** Mr Acting Deputy President, Senator Cameron may not take this issue seriously, but I can assure the Senate that I do.
The ACTING DEPUTY PRESIDENT: Senator Reynolds, I remind the chamber that interjections are disorderly. Senator Reynolds, please continue.

Senator REYNOLDS: Thank you very much, Mr Acting Deputy President. Earlier this month, after quiet lobbying by me and my coalition colleagues, a fair and reasonable offer was proposed to the minister, and subsequently the government announced that it had recommended the Defence Force Remuneration Tribunal increase the pay offer to two per cent annum.

Initially, I would like to commend Senator Lambie's intent, and I support the sentiment that she shows behind this bill. While we certainly have different styles and approaches, I have absolutely no doubt that both of us want what is in the best interests of those who serve in uniform and the families who serve in partnership with them.

The first duty of any federal government is to protect the nation. The Australian Defence Force fulfils this responsibility on behalf of us all. Every single year, our service men and women reconfirm their availability and their readiness to deploy on operations and put their lives in harm's way in service of our country and of all Australians. Military service, in this fundamental respect, is unique.

For their part, Australians accept the moral obligation to preserve the physical, mental and spiritual wellbeing of our men and women in uniform and their families, who make their service to our nation possible. The government of the day is custodian of this covenant or moral obligation on behalf of all Australians. We have this moral obligation not only to our uniformed personnel but also to their families.

ADF personnel are not public servants. Their roles differ substantially from those of public servants, and their roles are unique. The contribution they make to us all is unique. No-one I know—and no-one I have ever met in 29 years in the Army—serves our nation for the pay, but pay and conditions must always be fair. Our moral obligation to our men and women in uniform goes much further than simply pay and conditions. Our reciprocal obligation is to ensure that those who serve are as safe and prepared as they can be. This means not only in pay and conditions but also in ensuring the best possible equipment, training, health, housing and other support for their families and themselves are provided to them. Senator Bernardi has listed these in great detail. It is entirely appropriate and right that the employment conditions of the ADF uniformed personnel are handled very differently from public servants, because ADF personnel are not public servants.

I would like to address some of the deep concerns I have with this bill and its unintended consequences. One of the underpinning provisions of the explanatory memorandum of this bill states:

The members of the ADF have their pay assessed arbitrarily by the Minister of Defence (the Minister) under section 58B of the Defence Act 1903.

I argue that this entire premise underpinning the bill is not correct. The Minister for Defence does not make determinations on ADF pay. In fact, under the act, this power is reserved specifically to the Defence Force Remuneration Tribunal, the DFRT, pursuant to section 58H(2)(a) of the Defence Act.

Unlike what is said in the explanatory memorandum, the powers of the minister in relation to ADF remuneration, under section 58(B) of the Defence Act, relate to determinations
regarding conditions of service for ADF members other than salary—that is, not pay. These determinations in the past have included housing benefits, relocation support, leave entitlements, the Abbott government’s rollout of the ADF Family Health Program and a range of other non-salary related allowances.

In fact, the Hawke government, in the Defence Legislation Amendment Act 1984 established a Defence Force Remuneration Tribunal, which comprises three independent members: the vice president of Fair Work Australia, a person experienced in industrial relations matters and a person who has been a member of the ADF. This is a fundamental and critical fact that this bill has ignored and therefore renders it invalid.

The DFRT was established by Labor to ensure that all decisions and determinations made in relation to ADF pay are relevant to the contemporary roles and living and working environments of personnel serving in the ADF. This is a 30-year precedent—established by the Labor Party—which has worked very well until now. The DFRT determinations are to be made taking into account the special skills and capabilities required of ADF members and their unique employment circumstances. Last year, the DFRT determination was to offer a 1.5 per cent pay increase and was made with these considerations in mind.

In the aftermath of the decision to offer a 1.5 per cent pay increase to ADF personnel, I received a significant number of representations from serving and retired members of the ADF about the appropriateness of that outcome. I am also aware that many of my coalition colleagues—who enjoy very close working relationships with their Defence communities in their own electorates—received similar representations. The critical difference from those opposite is that we all understood that any pay outcome for uniformed personnel could not add further pressure to this government’s efforts to repair the economic damage done to this country by the previous Labor and Labor-Greens governments.

So, after carefully considering the extensive feedback we received on this matter, Andrew Nikolic and I approached the Minister for Defence with what we believed was a sensible and workable solution in the current fiscal environment—as did, I know, many of our colleagues—and that was a two per cent pay increase. Another powerful and ultimately persuasive argument to the minister was the fact that under the last government, the Labor government, the wage increases of ADF uniformed personnel lagged behind those of the APS workforce by up to 25 per cent. We believed, therefore, that this recommendation was not only appropriate but affordable.

The second serious concern I would like to raise in relation to this bill is its stated intent that it:

… ensures fairness in the assessment of annual wage increases for members of the Australian defence force by linking Defence Force pay to the higher of increases in Parliamentary allowance and CPI.

Again I congratulate and acknowledge Senator Lambie for the intent behind it, because I know it is a genuine intent to look after our men and women in uniform; I know this. But the practical consequences of this would be to see the ADF pay actually go backwards, and I will explain why. If ADF personnel’s pay were tied to inflation, they would be worse off than under the currently proposed two per cent. That is because politicians and senior public servants have actually had their pay frozen to zero since last year, and the Prime Minister has given absolutely no indication that this decision will be overturned in the foreseeable future, so it is a zero per cent pay increase for parliamentarians. So we have a start point of zero per
cent. As Senator Bernardi just said, currently the inflation rate is 1.7 per cent, but forward forecasts are that it will decrease, possibly below 1.5 per cent. So this bill is actually mandating an increase between zero and probably somewhere around 1.5 per cent, which would clearly mandate that ADF pay would in fact go backwards from what is currently proposed. That is, I know, absolutely an unintended consequence. I believe it is certainly not the intent of Senator Lambie that this would happen.

I would now like to address some of the technical detail in aspects of this bill, because I have some background in this area. All of us in this place know that the devil and sometimes further unintended consequences are in the detail of the legislation. Firstly, the explanatory memorandum and second reading speech for the bill appear to show that the bill's intent is to apply a minimum to the 'annual increases' arising from a Workplace Remuneration Arrangement, or WRA, type review. However, the definitions in the bill are far broader than just a minimum increase in the pay. I am sure, again, this is another unintended consequence of the wording of this bill. After a close review of the amendments, I believe it would be totally unworkable, and I will now explain why.

A definition that helps establish this potentially far broader scope than that indicated by Senator Lambie, the Labor Party and the Greens is that the proposed section 58Z defines Defence Force pay as 'salary (within the meaning of Division 2)'. Division 2 is the division actually dealing with the DFRT itself. The impact of that is that the bill affects all salary, not just annual increases. It might not sound significant, but it has wide-ranging and unforeseen impacts on the DFRT and on our service personnel.

A Defence Force pay determination is defined as 'a determination made by the Minister under division 1—or section 58B—or by the Defence Force Remuneration Tribunal under Division 2, in relation to Defence Force pay'. The practical implication of this is that the bill can impact on many more determinations than just those dealing with pay adjustments. It might sound innocuous, but I can assure this place that it is far from innocuous. Under existing section 58H(2)(a) of the act, the DFRT shall 'inquire into and determine the salaries and relevant allowances to be paid to members'—I stress 'relevant allowances to be paid to members'. This function is not limited to making 'annual increases' to ADF salaries, as currently determined under the recent Workplace Remuneration Arrangement.

Therefore, by extending to salary determinations, this bill potentially affects all of the DFRT work on salaries and not just the annual adjustments, as per the stated intent of the bill. The implications of that are wide ranging and have yet been unacknowledged by those opposite. For example, the DFRT can and does regularly review and determine individual salary placements and increases applying to employment categories within one of the services or triservice categories such as specialist structures for doctors, dentists, lawyers or our chaplains. This is part of the tribunal's day-to-day business and there is already a statutory requirement to review such determinations at least every two years, under section 58H(6) of the act.

Due to the broad definition of 'defence pay determination', the complex formula in the operative clause of this bill, clause 58ZC, would need to be applied to all of those individual pay reviews, not just the annual salary increase. This would force the tribunal to factor in the calculation of CPI and parliamentary allowances each and every time it makes one of its hundreds of salary determinations, remembering that under the proposed changes the
calculation would currently result in lower rates, not higher rates. So proposed section 58ZC would introduce a mandatory formula into all Defence Force pay determinations and not just those suggested in the bill. The tribunal, in making any salary determination, would need to include a calculation that converts any amount it decides upon into a percentage increase for the purposes of working out a minimum salary increase, using the amount and rate comparison set out in the proposed new section 58ZC.

What is important to remember is that when the ADF seeks to adjust its pay structures it does so in two ways. First of all, there are general movements such as annual increases, which must be applied across all structures. But the ADF also makes adjustments to individual categories, which usually occur within the constraints of the existing pay points within the system.

The most recent WRA decision is applied to all salary structures and relevant allowances determined by the tribunal, and this occurs on average every two years. This matter has usually been progressed under section 58KD of the act, which states:

The Tribunal may, in making a determination, give effect to any agreement reached between the Minister, acting on behalf of the Commonwealth, and the Chief of the Defence Force …

The interpretation of this section has always been one that suggests that giving effect to a section 58KD agreement does not give the tribunal scope to vary the agreed pay increase put before it. The tribunal in these circumstances essentially has a choice to say yes or no. In those circumstances, any application of the proposed new section 58ZC would have to occur between the parties agreeing on the matter to be put before the tribunal. I believe this in itself makes this proposal uncertain and unworkable for the Defence Force Remuneration Tribunal.

The bottom line in all of this technical detail, I believe, is that the scope of this bill applies beyond its intended target of annual salary increases. If it were clearly restricted to this intended target of salary alone, the detrimental effect of this bill would be lessened, although the system would become even more complex than it is and, in practicality, unworkable for the DFRT.

Additionally, as the WRA also applies to relevant allowances determined by the tribunal, including service allowances, and there is no requirement to apply clause 58ZC to that part of ADF remuneration, the bill could potentially cause additional distortions to the current ADF remuneration. For example, the service allowance is a stand-alone payment for ADF personnel of major-equivalent ranks and below. However, the service allowance for lieutenant colonel equivalents and above was rolled into their salaries in the 1980s and continues to be a component of these people's salaries. To not apply consistent increases to salary and relevant allowances of this type would cause further salary distortion. I know, Senator Lambie, that was not your intent in this bill, but that would be the practical implication.

If this bill was introduced, I believe the integrity of ADF pay structures for GOPS and GORPS would be impacted on by the application of this new section to individual employment category cases, which is fundamentally the day-to-day work of the tribunal. That is because any increase to individual pay placements would have to match the minimum pay clause, creating a range of additional pay points, distorting relativities between placements and creating distortion of the complete salary structures. With around 1,300 pay points remunerating more than 500 employment categories across all three services, the operation of Senator Lambie's proposed section 58ZC, with its minimum requirement for all adjustments
the ADF seeks to make, I believe would completely distort this structure and render it almost unachievable.

In conclusion, I believe that the two per cent increase per annum for our ADF personnel that has already been negotiated is a fair outcome in our current circumstances. It represents the utmost respect that this government has for our defence forces and acknowledges the critical role they perform in ensuring a safe and secure Australia for us all. While I genuinely commend Senator Lambie for this initiative and the intent behind it, I cannot in good conscience support this bill because it would significantly disadvantage our brave men and women in uniform, who dedicate their lives to serving Australia, and their families. I know that was not her intent, but that is what the impact would be. It would make them worse off. For those reasons, I cannot support this bill.

**Senator GALLACHER** (South Australia) (10:47): I rise to make a contribution in this debate. I think it would be fair to say at the outset that there is not a senator elected to this chamber who is not fully supportive of the Australian Defence Force and the contribution its members make and have made over an extremely long period of time. I think it is unfortunate that they have found themselves in this situation where they were let down— if not something more serious— by this government.

I want to pick up on a couple of points that Senator Reynolds made in her contribution. The first point was on repairing the budget. There are ways of repairing the budget, and I want to give one very specific example. The Public Works Committee, which is charged with examining Defence expenditure, had a proposal put to it to build 50 houses at RAAF Base Tindal. The bespoke, architecturally designed houses were to cost $89.4 million. The committee found that that was not value for money. After a number of hearings and a number of examinations of this situation that was put to it, another model was put up to build 50 tropical designed dwellings using the Defence Housing Association as business as usual to design and construct a delivery model at a cost of $47.15 million. If you are serious about repairing the budget and examining Defence expenditure then you can find an instance on the public record that was subject to public hearings where $40-odd million was saved in one project. It gives you an understanding of how deeply and widely felt the antagonism towards this government's decision clearly is. We see these projects ad hoc. Defence is a large part of the expenditure that goes to the Public Works Committee. We test whether it is value for money and fit for purpose in the public interest. If we can put up an example of where $40 million was proposed to be spent and a business-as-usual model delivered a $40 million saving, how do the people in Defence feel when they cannot get a modest increase when clearly there are savings to be made—and not insignificant ones?

Whilst repairing the budget is the goal of all governments, at what cost should it be? Should it be at the cost of the people who put their limbs and lives on the line every day in the service of this country? I think not. I think, actually, there is bipartisan support for that. I really do. I think there are many people in the coalition ranks who think that this is grossly unfair. I think their numbers are quite significant. There are a number who have gone on the public record to say that. The simple facts are that they should not be in this position. This is a fight that they should not have had to have.

Take the Prime Minister's comment that no-one in the public sector will be paid a higher rate of increase than our Defence Force—that is factually incorrect. If you look at the relevant
agreements you will see that the CSIRO will receive an increase of 2.8 per cent per year for the next three years. Airservices Australia will receive a 5.1 per cent pay rise over the next 15 months up to July 2016. Future Fund employees have been reported to be receiving a three per cent annual pay increase. So is it any wonder that our serving men and women are feeling let down? Is it any wonder at all that the various stakeholders who support those men and women in the Defence Force are agitating for a better deal? There is no wonder at all.

This is really the consequence of the bravado of this government. After gaining a significant electoral victory, they said, 'The next thing we are going to do is chop.' There are some places you do not chop. In my view, Australian Defence Force personnel are entitled to a respectable, ongoing increase in their wages and conditions commensurate with the level of commitment that they give to this country without having to agitate in the way that they have been forced to this time. If the government are serious about budget repair, I suggest they have a very close look at some of the procurement contracts and expenditure that are ongoing in our Defence Force as we speak, rather than taking money out of the pockets of those hardworking men and women of our Australian Defence Force.

Senator LAZARUS (Queensland) (10:52): I move:
That the question be now put.

The PRESIDENT: The question is that the motion moved by Senator Lazarus, that the question be now put, be agreed to.

The Senate divided [10:57]

(The President—Senator Parry)

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

AYES
Bilyk, CL (teller) Bullock, J.W.
Cameron, DN Conroy, SM
Dastyari, S D'Natale, R
Gallacher, AM Hanson-Young, SC
Ketter, CR Lambie, J
Lazarus, GP Lines, S
Ludlam, S Ludwig, JW
Madigan, JJ Mclucas, J
Milne, C Moore, CM
Muir, R O'Neil, DM
Peris, N Polley, H
Rhiannon, L Rice, J
Siewert, R Singh, LM
Sterle, G Urquhart, AE
Wang, Z Waters, LJ
Whish-Wilson, PS Wong, P
Wright, PL Xenophon, N

NOES
Back, CJ Bernardi, C
Birmingham, SJ Bushby, DC

CHAMBER
The question now is that the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014 be read a second time.

Question agreed to.

Bill read a second time.

The PRESIDENT (11:01): As no amendments to the bill have been circulated, I shall call Senator Lambie to move the third reading unless any senator requires that the bill be considered in Committee of the Whole.

Third Reading

Senator LAMBIE (Tasmania) (11:01): I move:

That the bill be now read a third time.

Question agreed to.

Bill read a third time.

NOTICES

Presentation

Senators Day and Leyonhjelm to move:

That the Senate acknowledges, respects and values:

(a) the historical ties between Australia and Israel, starting with the Beersheba campaign of 1917;
(b) Australian trade with Israel nearing $1 billion per annum; and
(c) the Australia-Israel Chamber of Commerce.

Senators O'Sullivan and Day to move:

That the Senate notes:

(a) the important economic and social contributions to Australia's regional and rural communities made by small and medium family-owned primary production enterprises; and
(b) the contribution this cohort of the sector makes to providing employment opportunities within rural and regional Australia.

Senator Whish-Wilson to move:
That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 10 August 2015:

The regulation of the fin-fish aquaculture industry in Tasmania, with particular regard to:
(a) the adequacy and availability of data on waterway health;
(b) the impact on waterway health, including to threatened and endangered species;
(c) the adequacy of current environmental planning and regulatory mechanisms;
(d) the interaction of state and federal laws and regulation; and
(e) any other relevant matters.

Senator Fifield to move:
That, on Tuesday, 24 March 2015:
(a) the hours of meeting shall be 12.30 pm to 6.30 pm, and 7 pm to 10.40 pm;
(b) the routine of business from not later than 7 pm shall be:
   (i) the government business order of the day relating to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, and
   (ii) other government business orders of the day; and
(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

Senators Cameron and Rice to move:
(1) That the following matters be referred to the Education and Employment References Committee for inquiry and report by 22 June 2015:

The impact of Australia's temporary work visa programs on the Australian labour market and on the temporary work visa holders, with particular reference to:
(a) the wages, conditions, safety and entitlements of Australian workers and temporary work visa holders, including:
   (i) whether the programs 'carve out' groups of employees from Australian labour and safety laws and, if so, to what extent this threatens the integrity of such laws,
   (ii) the employment opportunities for Australians, including:
      (a) the effectiveness of the labour market testing provisions (the provisions) of the Migration Act 1958 in protecting employment opportunities for Australian citizens and permanent residents, and
      (b) whether the provisions need to be strengthened to improve the protection of employment opportunities for Australian citizens and permanent residents and, if so, how this could be achieved,
   (iii) the adequacy of publicly available information about the operation of the provisions, and
   (iv) the nature of current exemptions from the provisions and what effect these exemptions have on the reach and coverage of labour market testing obligations and laws regarding wages, conditions and entitlements of Australian workers and temporary work visa holders;
(b) the impact of Australia's temporary work visa programs on training and skills development in Australia, including:
   (i) the adequacy of current obligations on 457 visa sponsoring employers to provide training opportunities for Australian citizens and permanent residents,
   (ii) how these obligations could be strengthened and improved, and
   (iii) the effect on the skills base of the permanent Australian workforce;
(c) whether temporary work visa holders receive the same wages, conditions, safety and other entitlements as their Australian counterparts or in accordance with the law, including:

(i) the extent of any exploitation and mistreatment of temporary work visa holders, such as sham contracting or debt bondage with exorbitant interest rate payments,

(ii) the role of recruitment agents, and

(iii) the adequacy of information provided to temporary work visa holders on their rights and obligations in their workplace and community, and how it can be improved;

(d) whether temporary work visa holders have access to the same benefits and entitlements available to Australian citizens and permanent residents, and whether any differences are justified and consistent with international conventions relating to migrant workers;

(e) the adequacy of the monitoring and enforcement of the temporary work visa programs and their integrity, including:

(i) the wages, conditions and entitlements of temporary work visa holders, and

(ii) cases of 457 visa fraud, such as workers performing duties outside or below the job classification of the visa;

(f) the role and effect of English language requirements in limited and temporary work visa programs;

(g) whether the provisions and concessions made for designated area migration agreements, enterprise migration agreements, and labour agreements affect the integrity of the 457 visa program, or affect any other matter covered in these terms of reference;

(h) the relationship between the temporary 457 visa and other temporary visa types with work rights attached to them; and

(i) any related matter.

(2) That in conducting the inquiry, the committee shall review the findings and recommendations of previous inquiries into such matters, including the Legal and Constitutional Affairs References Committee's report, Framework and operation of subclass 457 visas, Enterprise Migration Agreements and Regional Migration Agreements.

Senator Fifield to move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, allowing it to be considered during this period of sittings.
REPORT NO. 3 of 2015

1. The committee met in private session on Wednesday, 18 March 2015 at 7.14pm.
2. The committee resolved to recommend—that—
   (a) the provisions of the Omnibus Repeal Day (Autumn 2015) Bill 2015 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 15 June 2015 (see appendix 1 for a statement of reasons for referral); and
   (b) the provisions of the Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015 be referred immediately to the Education and Employment Legislation Committee for inquiry and report by 8 May 2015 (see appendix 2 for a statement of reasons for referral).
3. The committee resolved to recommend—that the following bills not be referred to committees:
   • Charter of Budget Honesty Amendment (Intergenerational Report) Bill 2015
   • Customs Amendment (Anti-dumping Measures) Bill (No. 1) 2015
   • Customs Tariff (Anti-Dumping) Amendment Bill 2015
   • Defence Amendment (Fair Pay for Members of the ADF) Bill 2014
   • Succession to the Crown Bill 2015.
   The committee recommends accordingly.
4. The committee considered the following bill but was unable to reach agreement:
   • Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014
5. The committee deferred consideration of the following bills to its next meeting:
   • Amending Acts 1980 to 1989 Repeal Bill 2015
   • Australian Centre for Social Cohesion Bill 2015
   • Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
   • Competition and Consumer Amendment (Deregulatory and Other Measures) Bill 2015
   • Corporations Amendment (Publish what you pay) Bill 2014
   • Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2015
   • Defence Legislation Amendment (Parliamentary Approval of Overseas Service) Bill 2015
   • Fair Work (Registered Organisations) Amendment Bill 2014 [No. 2]
   • Food Standards Australia New Zealand Amendment Bill 2015
   • Governance of Australian Superannuation Schemes Legislation Amendment Bill 2015
   • International Aid (Promoting Gender Equality) Bill 2015
   • Motor Vehicle Standards (Cheaper Transport) Bill 2014
   • Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014
   • Statute Law Revision Bill (No.2) 2015.
   (David Bushby)
   Chair
   19 March 2015
APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
Omnibus Repeal (Autumn 2015) Bill 2015

Reasons for referral/principal issues for consideration:
To scrutinise the repeals and the amendments in the bill to ensure no adverse issues or consequences.

Possible submissions or evidence from:
Department of the Prime Minister and Cabinet
Department of Finance
Department of Agriculture
Department of the Environment
Department of Health and Ageing
Department of Human Services
Department of the Treasury
Department of Veterans' Affairs

Committee to which bill is to be referred:
Senate Finance and Public Administration Legislation Committee

Possible hearing date(s):
Possible reporting date:
Monday 15 June

(signed)
Senator Anne McEwen
Whip/Selection of Bills Committee Member

APPENDIX 2

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
Safety, Rehabilitation and Compensation Legislation Amendment (Exit Arrangements) Bill 2015

Reasons for referral/principal issues for consideration:
To ensure a thorough and complete assessment of its potential impact on workers' compensation rights and entitlements, potential obligations on exiting entities from Comcare and to examine any unforeseen consequences arising from the Bill.

Possible submissions or evidence from:
Unions, employers, academics, the ACT Government

Committee to which bill is to be referred:
Senate Education and Employment Legislation Committee

Possible hearing date(s):
To be determined by the Committee
Senator FAWCETT: I move:

That the report be adopted.

Senator LUDLAM (Western Australia) (11:03): I have had an amendment circulated in the chamber for the last couple of hours. I move the following amendment to the motion moved by Senator Fawcett:

At the end of the motion, add, "but, in respect of the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, the bill be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 25 June 2015."

I recognise that this is slightly unorthodox and it is not something that we do lightly. It is reasonably rare that the chamber would seek to dispute or amend a report of the Selection of Bills Committee, but this is an unusual occasion. I understand that the member for Wentworth, the Minister for Communications, Mr Turnbull, has just adjourned the second-reading debate on the data retention bill in the House, so it may be some time yet before this matter comes before the Senate.

Let us understand what they have been conducting in the other place. They have just conducted an entire second-reading debate on a bill that none of them have seen. The minister and, presumably, Mr Shorten and the Prime Minister, Tony Abbott, have done some kind of handshake deal in the dead of night to come to some sort of agreement to buy the Labor Party's assent to a two-year mandatory data retention proposal for the entire country, but nobody—not a single member of the House of Representatives—has seen the amendments, because they have not yet been drafted. They are being drafted as we speak. I think it is extraordinary, given the immense degree of controversy that this proposal has attracted, that our colleagues in the other place have been forced to debate a bill which is proposed to be heavily amended but whose amendments have not been seen.

There has been a lot of commentary that concerns are overblown or that there may have been some kind of fix arranged between Mr Shorten and Mr Abbott to buy the Labor Party's support for Senator Brandis and for the Prime Minister, Tony Abbott, but the fact is that the dissent and opposition to mandatory data retention for this country is widespread and very deep. There was a joint letter this week from Telstra, Optus, Vodafone, M2, iiNet, Macquarie Telecom and a host of other telecommunications providers demanding to know how much this thing is going to cost and who will pay. The Australian government does not know to within the nearest $100 million who will be paying this surveillance tax. The fact is, we all will either through higher data charges or through higher taxes. I do not recall hearing then opposition leader Tony Abbott or any of the other spokespeople on that side of the chamber announcing a $400 million surveillance tax before the 2013 election. Nonetheless, that is what we are faced with. The Media Entertainment and Arts Alliance, the journalists union, irrespective of whatever deal has been done between Mr Shorten and Mr Abbott, has been
scathing about the fact that the government seems intent on pursuing journalists and their sources. That should not occur in a democracy.

Senator Brandis has pointed out, quite rightly, that this bill does not change the existing arrangements, and that is precisely the problem. It welds on two years worth of additional data which can be indiscriminately accessed by agencies. Nobody has seen the amendments in the deal that has been done between the Labor Party and Prime Minister Abbott, but we would want to look at them very closely. We do not believe that debate should proceed in this place until the amendments have been seen and considered by the legal and constitutional affairs committee, and that is what this motion goes to today. The bill was not referred, as it properly should have been, to the Senate Legal and Constitutional Affairs Legislation Committee.

What this motion proposes—and we respectfully dissent from the Selection of Bills Committee’s view on this matter—is that the bill be given a thorough airing because so many issues that have been raised have simply been pushed under the carpet: how much will it cost, who will pay?

Privacy Commissioner Timothy Pilgrim has raised significant concerns, as have Human Rights Commissioner Triggs, the Law Council of Australia, the Communications Alliance, the Australian Mobile Telecommunications Association and Councils for Civil Liberties right across the country; and business groups, including Blueprint for Free Speech, ThoughtWorks, the Australian Lawyers for Human Rights and the Institute of Public Affairs—not a group who would traditionally be lining up to support the Greens, and for me that underlines the fact that this is beyond Left and Right. This is not something that should have become as partisan as it has, but it is hardly a left-wing position to argue against increasing the power of the state over private individuals for indiscriminate surveillance. That is why we have groups like the Institute of Public Affairs coming out against this, as well as the Australian Privacy Foundation, and Electronic Frontiers Australia, who have been staunch in their opposition to this proposal and staunch in their advocacy for digital rights.

There are so many unknown costs and very poorly described benefits associated with this bill that it should be immediately referred for committee review. (Time expired)

Senator LEYONHJELM (New South Wales) (11:09): I would just like to place on the record my support for Senator Ludlam’s motion.

The PRESIDENT: The question is that the amendment moved by Senator Ludlam be agreed to.

The Senate divided. [11:13]

(The President—Senator Parry)

AYES

Ayes .................... 15
Noes .................... 39
Majority ............... 24

AYES

Di Natale, R  
Hanson-Young, SC  
Lambie, J  
Leyonhjelm, DE  
Ludlam, S  
Madigan, JJ  
Milne, C  
Muir, R  
Rhiannon, L  
Rice, J
Question negatived.

Original question agreed to.

Report adopted.

**BUSINESS**

**Rearrangement**

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:17): I move:

That—

(a) the following government business orders of the day be considered from 12.45 pm today:

   No. 2 Australian River Co. Limited Bill 2015
   No. 3 Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015
   Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015
   No. 4 Succession to the Crown Bill 2015; and

(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.
SENATOR FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:18): I move:

That the order of general business for consideration today be as follows:

(a) general business notice of motion no. 653 standing in the name of Senator Siewert relating to coal seam gas; and

(b) orders of the day relating to documents.

Question agreed to.

Consideration of Legislation

SENATOR FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:18): I move:

That general business order of the day no. 29 (Environment Protection and Biodiversity Conservation Amendment Bill 2014) be considered on Thursday, 26 March 2015 under the temporary order relating to the consideration of private senators’ bills.

Question agreed to.

Rearrangement

SENATOR LEYONHJELM (New South Wales) (11:18): by leave—I move:

That the order of general business for consideration on Thursday, 26 March 2015 be as follows:

(a) general business private senators' bills order of the day No. 48 relating to the Freedom to Marry Bill 2014; and

(b) orders of the day relating to documents.

Question agreed to.

Leave of Absence

SENATOR McEWEN (South Australia—Opposition Whip in the Senate) (11:19): by leave—I move:

That leave of absence for personal reasons be granted to Senator Brown for today, 19 March 2015.

Question agreed to.

PETITIONS

Aboriginal Remote Communities

SENATOR SIEWERT (Western Australia—Australian Greens Whip) (11:19): by leave—I table a petition of 27,930 signatures calling on the government to reverse their decisions about Aboriginal remote communities which is not in conformity with the standing orders.

COMMITTEES

Finance and Public Administration References Committee Reference

SENATOR SIEWERT (Western Australia—Australian Greens Whip) (11:20): I, and also on behalf of Senator McLucas, move:

That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 18 June 2015:
The impact on service quality, efficiency and sustainability of recent Commonwealth Indigenous Advancement Strategy tendering processes by the Department of the Prime Minister and Cabinet, with particular regard to:

(a) the extent of consultation with service providers concerning the size, scope and nature of services tendered, determination of outcomes and other elements of service and contract design;
(b) the effect of the tendering timeframe and lack of notice on service collaboration, consortia and the opportunity for innovative service design and delivery;
(c) the evidence base and analysis underlying program design;
(d) the clarity of information provided to prospective tenderers concerning service scope and outcomes;
(e) the opportunities created for innovative service design and delivery, and the extent to which this was reflected in the outcomes of the tender process;
(f) the number of non-compliant projects, the nature of the noncompliance, if and how they were assisted, and how many of these were successful;
(g) analysis of the types, size and structures of organisations which were successful and unsuccessful under this process;
(h) the implementation and extent of compliance with Commonwealth Grant Guidelines;
(i) the potential and likely impacts on service users concerning service delivery, continuity, quality and reliability;
(j) the framework and measures in place, if any, to assess the impacts of these reforms on service user outcomes and service sustainability and effectiveness;
(k) the information provided to tenderers about how decisions are made, feedback mechanisms for unsuccessful tender applicants, and the participation of independent experts in tender review processes to ensure fairness and transparency;
(l) the impact on advocacy and policy services across the sector;
(m) factors relating to the efficient and effective collection and sharing of data on outcomes within and across program streams to allow actuarial analysis of program, cohort and population outcomes to be measured and evaluated;
(n) the extent of contracts offered, and the associated conditions, to successful applicants;
(o) the effect of mandatory incorporation under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 on Indigenous organisations receiving grants of $500 000 or more per annum;
(p) the effect and cost impact of delays in the assessment process and the extension of interim funding on organisations pending the outcome of the Indigenous Advancement Strategy; and
(q) any other related matters.

Question agreed to.

PETITIONS

Stop the Trawler Campaign

Senator WHISH-WILSON (Tasmania) (11:21): by leave—I table a petition of 75,000 signatures from the Stop the Super Trawler Alliance which is not in conformity with the standing orders.
BUSINESS

Consideration of Legislation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:21): I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Public Governance and Resources Legislation Amendment Bill (No. 1) 2015, allowing it to be considered during this period of sittings.

Question agreed to.

COMMITTEES

Australian Commission for Law Enforcement Integrity Committee

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (11:22): At the request of Senator Bilyk, I move:

That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity 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, 14 May 2015; and
(b) Thursday, 18 June 2015.

Question agreed to.

Law Enforcement Committee

Meeting

Senator McEWEN (South Australia—Opposition Whip in the Senate) (11:22): At the request of Senator Singh, I move:

That the Parliamentary Joint Committee on Law Enforcement be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate from 5.30 pm, as follows:

(a) Wednesday, 13 May 2015; and
(b) Wednesday, 17 June 2015.

Question agreed to.

MOTIONS

Agriculture

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (11:23): I move:

That the Senate notes Fortescue Metals Group chairman, Mr Andrew 'Twiggy' Forrest's self-described 'ten-year aspirational challenge' to develop 5 000 gigalitres of water from existing aquifers in Australia to irrigate and drought proof farmland, as well as to open up thousands of hectares of land for new agricultural projects.

Question agreed to.

Donations to Political Parties

Senator RHIANNON (New South Wales) (11:23): I move:
That the Senate—

(a) notes that:

(i) the New South Wales Labor Party recently received a political donation from coal seam gas company Santos Ltd,

(ii) the New South Wales Labor Party subsequent to taking the donation, returned $2 200 to Santos Ltd acknowledging this money would cause community doubt that Labor was committed to a coal seam gas free north coast,

(iii) in the recent New South Wales leaders’ debate the Labor leader, Mr Luke Foley, failed to rule out coal seam gas development if Labor formed government with his statement that there is a role for gas in the state’s energy future, and

(iv) the Federal Labor Party received more than $90 000 from Santos Ltd in the 2012-13 and 2013-14 financial years; and

(b) calls on the Federal Government to:

(i) ban political donations from mining and coal seam gas companies, and

(ii) end coal seam gas and coal mining on agricultural land and associated water resources.

The Senate divided. [11:28]

(Ayes 11; Noes 38; Majority 27)

AYES

Di Natale, R
Lazarus, GP
Milne, C
Rice, J
Waters, LJ
Wright, PL

Hanson-Young, SC
Ludlam, S
Rhiannon, L
Sievert, R (teller)
Whish-Wilson, PS

NOES

Back, CJ
Bilyk, CL (teller)
Bullock, J.W.
Bushby, DC
Colbeck, R
Collins, JMA
Cormann, M
Day, R.J.
Edwards, S
Fawcett, DJ
Fifield, MP
Gallacher, AM
Ketter, CR
Leyonhjelm, DE
Lines, S
Ludwig, JW
Lundy, KA
Macdonald, ID
Madigan, JJ
McEwen, A
McGrath, J
McKenzie, B
McLucas, J
Moore, CM
Muir, R
O’Sullivan, B
Parry, S
Peris, N
Polley, H
Reynolds, L
Ruston, A
Seselja, Z
Singh, LM
Sinodinos, A
Smith, D
Sterle, G
Thursday, 19 March 2015

NOES

Urquhart, AE           Wang, Z

Question negatived.

**Perth Light Rail Network**

**Senator LUDLAM** (Western Australia) (11:31): I seek leave to amend general business notice of motion No. 663 standing in my name for today. It relates to Perth light rail—getting that project back on track.

Leave granted.

**Senator LUDLAM:** I move the motion as amended:

That the Senate—

(a) notes that:

(i) Perth is in urgent need of a light rail network to serve the metropolitan area,

(ii) the Barnett State Government committed to the Metro Area Express 'MAX' light rail network for Perth at the 2013 state election, and

(iii) only 18 months later, the Barnett Government walked away from the project; and

(b) calls on the Abbott Government to:

(i) reallocate the $500 million previously allocated to the Perth Light Rail and the Airport Rail Link projects, and

(ii) properly evaluate alternative options for freight projects to the proposed Perth Freight Link.

Question agreed to.

**COMMITTEES**

**Queensland Government Administration Committee Appointment**

**Senator LAZARUS** (Queensland—Leader of the Palmer United Party in the Senate) (11:32): I move:

That the resolution of the Senate of 30 September 2014 appointing the Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs be amended as follows:

(1) Omit paragraph (4), substitute:

(4) That the committee consist of 5 senators, 1 to be nominated by the Leader of the Government in the Senate, 2 to be nominated by the Leader of the Opposition in the Senate, 1 to be nominated by the Leader of the Australian Greens and 1 to be nominated by any minority party or independent senators.

(2) Omit paragraph (7), substitute:

(7) That the committee elect as chair a member nominated by any minority party or independent senators and, as deputy chair, a member nominated by the Leader of the Opposition in the Senate.

Question agreed to.
MOTIONS
Disaster Relief

Senator MILNE (Tasmania—Leader of the Australian Greens) (11:32): I seek leave to amend general business notice of motion No. 665 standing in my name for today relating to disaster relief.

Leave granted.

Senator MILNE: I move the motion as amended:

That the Senate—

(a) congratulates the Australian Business Roundtable for Disaster Resilience and Safer Communities for being the first private sector organisation to win the prestigious 2015 United Nations Sasakawa Award for Disaster Risk Reduction;

(b) notes the work of the Productivity Commission that the Federal Government has spent record levels of over $13.7 billion on post-disaster relief and recovery in the past decade, while outlays on pre-disaster mitigation were only 3 per cent of this figure;

(c) notes the increasing frequency and intensity of extreme weather events as global temperatures rise; and

(d) calls on the Federal Government to invest in pre-disaster mitigation in order to reduce post-disaster spending, while saving homes, lives, critical infrastructure and reducing insurance premiums.

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator MILNE: I want to draw attention to the operational paragraph, which calls on the government to invest in pre-disaster mitigation in order to reduce post-disaster spending. I want to make it clear that it is not one substituting for the other; I would want both pre-disaster spending and post-disaster spending. This is not a cost-shifting exercise to the states. It clearly is not that; it is about recognising that if you spend money up-front, you are likely to save yourself on the actual amount you have to spend afterwards, but it does not actually suggest that you would not be spending afterwards.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:34): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one statement.

Senator FIFIELD: We congratulate the business roundtable for achieving a certificate of distinction in the 2015 United Nations Sasakawa awards for risk reduction. The awards ceremony form part of the third United Nations world conference on disaster risk reduction, which was attended by the Minister for Justice in Japan over the weekend. During the UN conference, the minister spoke about the Productivity Commission inquiry, that the inquiry was commissioned at the request of all states and territories in recognition of the increasing impacts of disasters in recent years.

Since 2009, natural disasters around the country have claimed more than 200 lives, destroyed or damaged more than 10,000 homes and devastated hundreds of thousands of Australians. While extreme weather is affecting life in this country, the commission's draft report found that demographic factors, including where and how we build, are leaving us increasingly exposed. More focus is needed on how we can be better prepared and how we
can target our investments to get the best outcomes for individuals, communities and businesses and governments. The reforms being considered by the inquiry are complex and wide-ranging, and the government will respond once it has had the opportunity to thoroughly consider all options.

Question agreed to.

World Down Syndrome Day

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:35): I, and also on behalf of Senators Moore and Siewert, move:

That the Senate—

(a) notes that 21 March 2015 is World Down Syndrome Day;
(b) acknowledges that the theme for the 4th World Down Syndrome Conference to be held at the United Nations (UN) headquarters in New York on Friday, 20 March 2015, is 'My Opportunities, My Choices – Enjoying Full and Equal Rights and the Role of Families'; and
(c) expresses its congratulations, best wishes and support for the Australians attending the UN conference and all members of the Australian Down syndrome community who have been celebrating World Down Syndrome Day during the week beginning 15 March 2015 and will do so this weekend.

Question agreed to.

NOTICES

Presentation

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:35): by leave—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014, allowing it to be considered during this period of sittings.

I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2015 Autumn Sittings

Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014

Purpose of the Bill

To amend the Telecommunications (Interception and Access) Act 1979 (the TIA Act) to standardise the types of telecommunications data that service providers must retain under the TIA Act for law enforcement and national security purposes and the period of time for which that information must be held.

Reasons for Urgency

To combat terrorism at home, and to prevent Australians committing terrorist acts abroad, Australia's law enforcement and intelligence agencies' powers must respond to technological change and evolving
threats. Changing technology and business models mean that telecommunications providers are keeping fewer records about communications and for less time.

The reforms contained in the Bill are the third element of the package of national security reforms announced by the Prime Minister in August 2014.

The reforms are essential to maintain the capability of national security and law enforcement agencies in the current heightened security environment. The passage of a mandatory data retention scheme will ensure that evidence vital to police and intelligence investigations is not lost.

The Parliamentary Joint Committee on Intelligence and Security reported on the Bill on 27 February 2015 and recommended that the Bill be passed. The PJCIS noted that current investigative capability is being affected and that the measures contained in the Bill will address key challenges.

BILLS

Migration Amendment (Protection and Other Measures) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (11:37): I thank my fellow senators for contributing to this important debate on the Migration Amendment (Protection and Other Measures) Bill 2014. This bill, together with the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014, passed by the parliament in December last year, forms a package of legislative reforms required to increase efficiency and enhance integrity in the protection status determination process. Specifically, the measures in this bill respond to the challenges in the onshore component of Australia’s humanitarian program and aim to reduce fraud, improve administrative processes and provide greater consistency and quality in protection assessment outcomes.

I would like to thank the Senate Legal and Constitutional Affairs Committee, the Parliamentary Joint Committee on Human Rights and the Scrutiny of Bills Committee for their consideration and reports on this bill. Following consideration of these reports and in response to concerns that have been raised by my fellow senators regarding certain measures in the bill, I can advise the Senate that the government has tabled an addendum to the explanatory memorandum to the bill which provides further detail on certain amendments made by schedules 1 and 4 of the bill. These measures relate to the identity and integrity measures in schedule 1 of the bill, specifically proposed sections 91W, 91W(a) and 43A; and to the Migration Review Tribunal and Refugee Tribunal integrity measures relating to providing oral statements of reasons following an oral decision.

I also foreshadow that at the committee stage I will be moving some amendments to the bill on behalf of the government. These amendments will amend schedule 3 to take into account the reintroduction of temporary protection visas by the Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014, amend schedule 4 to increase the time frame from seven to 14 days in which an application for reinstatement may be made by a review applicant who fails to appear before the MRT or the RRT and whose application was subsequently dismissed as a result of that nonattendance, and add a new schedule 5 to the bill. This new schedule amends references to the bill in the
Migration and Maritime Powers Legislation Amendment (Resolving the Asylum Legacy Caseload) Act 2014 and the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014 as the references currently refer to this bill as being enacted in 2014.

I thank the Senate Legal and Constitutional Affairs Committee for their report on the bill and note the additional comments from Labor senators and the Greens' dissenting report. I remind the chamber that with this bill the government is striking the right balance between fairness and supporting an effective and coherent protection determination process which responds to the evolving challenges in the asylum seeker caseload arising from judicial decisions and management of the backlog of illegal maritime arrivals. The government is also ensuring the system works more efficiently, therefore reducing costs and delay.

Implementation of this bill does not mean Australia will resile from its protection obligations; in fact, the government is seeking to restore the same threshold that was adopted by the Labor government for assessing Australia's complementary protection obligations.

I thank the Parliamentary Joint Committee on Human Rights for the comments in relation to this bill. The government's position is that the measures in this bill are reasonable, necessary and proportionate to achieve its legitimate objective, which I have already stated: to reduce fraud, improve administrative processes and provide greater consistency and quality in protection assessment outcomes. Decision makers are obliged to act in good faith to fully assess a protection visa application and afford procedural fairness to asylum seekers as required by the code of procedure in the Migration Act. A primary application information service will provide application assistance to those who are considered vulnerable.

I would also like to thank the Scrutiny of Bills Committee for its contribution to this bill. Former Minister Morrison and I have provided further information and advice as requested by the committee. I note the committee's comments in relation to guidance decisions and reiterate that this measure seeks to align and reduce inconsistencies in decision making. It is still for the tribunal to ensure that a correct and preferable decision is reached on the merits of a case.

I now remind the Senate of some of the key measures in this bill. While the Australian community has long accepted a responsibility to provide refuge to people who engage our protection obligations, the reciprocal responsibilities of people who seek protection in Australia were not clear in our law. The protection and other measures bill will state those responsibilities on the face of our legislation. If a person wants our help, that person is obliged to show good faith and honestly state their case as to who they are and why they need Australia's protection. As a result of this bill, applicants will need to provide documentary evidence of their identity, nationality or citizenship or have taken reasonable steps to do so in order to be granted a protection visa.

Establishing an applicant's identity is a keystone of making a decision to grant or refuse any visa. This is especially the case for protection visa applicants because their identity, nationality or citizenship can have a direct bearing on whether they engage Australia's protection obligations. Identity in the global age is increasingly complex to determine, and many people hold dual or multiple nationalities or seek an advantage from not disclosing their genuine identity. Proposed sections 91W and 91W(a) empower decision makers to refuse applicants who provide bogus documents or destroy or discard documentary evidence of their identity, nationality or citizenship. An applicant who does not give a reasonable explanation of these types of actions and does not provide or take reasonable steps to provide genuine
proof of identity, nationality or citizenship will have their protection visa application refused. The same applies to an applicant who has destroyed or discarded identity documents or has caused that to happen at the hands of another person such as a people smuggler. It is appropriate to refuse a protection visa where an applicant fails or refuses to comply with a request to establish their identity where it is in fact possible for them to do so.

Again I note that these measures are aimed at encouraging applicants to comply with these requirements. They do not mean Australia will resile from its protection obligations. These measures make it clear that Australians expect protection visa applications to be made in good faith and with full disclosure of identity. Cooperation is the key in these cases. The proposed changes also respect the fact that in some circumstances, including some cases where a person is stateless, it may not be possible for a protection visa applicant to provide documentary evidence of their identity, nationality or citizenship even if they want to and have taken all reasonable step to do so. The requirement that an applicant has taken reasonable steps has been included to accommodate these circumstances. Other instances that constitute having taken reasonable steps may include an applicant contacting family and friends in their home country to obtain existing documentary evidence of identity, nationality or citizenship; obtaining such evidence from the authorities of their home country in cases where an applicant is claiming harm from a nonstate actor, for example an organised criminal group; or obtaining such evidence from a safe third country where they may have previously resided. However, to be clear, there is no expectation on an applicant to approach the authorities of the country from which they fear state persecution.

The proposed section 5AAA clarifies a noncitizen's responsibility regarding their protection claims by legislating that it is the asylum seeker's responsibility to specify all particulars of their claim and to provide sufficient evidence to establish that claim. This measure formalises a reasonable expectation and is consistent with practices in the United States, the United Kingdom and New Zealand. It does not change the decision maker's duty to evaluate and ascertain all of the relevant facts—it simply clarifies that it is not the decision maker's role to advocate on behalf of the applicant. Notwithstanding this amendment, the government acknowledges that there will be always a small number of vulnerable individuals, including unaccompanied minors, who may not be able to clearly present their claims without assistance.

The government will continue to have arrangements in place to provide funded application assistance to a small number of the most vulnerable individuals, including unaccompanied minors, through a primary application information service. Section 5AAA works in tandem with the new section 423A to encourage protection visa applicants to provide all of their claims and supporting evidence as soon as possible. It sends a clear message that if claims can be presented and supported at the initial application stage, they should be. Section 423A does not empower the Refugee Review Tribunal to disregard new claims or evidence but, rather, to draw an inference unfavourable to the credibility of claims or evidence presented before the tribunal for the first time unless the applicant provides a reasonable explanation to justify why the claims or evidence were not raised before the primary decision was made by the department. The Refugee Review Tribunal will be required to notify an applicant and give them a reasonable period in which to respond if they propose to draw an inference unfavourable to the applicant due to presenting new claims or evidence. This measure will
also work in conjunction with the Refugee Review Tribunal's already existing legal obligations under case law and procedural fairness requirements under the Migration Act.

I note that questions have been raised about the meaning of 'reasonable explanation'. Decision makers are bound to act in good faith to fully assess protection visa applications and afford procedural fairness to visa applicants in accordance with the codes of procedure in the migration act. A reasonable explanation is generally credible and does not run counter to or at variance with generally known facts. The bill also brings in measures that affect the Migration Review Tribunal and the RRT. These measures will improve efficiency and provide greater consistency of outcomes for review applicants without affecting the independence of the merits review process. The principal member of the MRT-RRT will be empowered to issue practice directions about review procedures and processing practices, as well as issue guidance decisions to tribunal members, although individual tribunal members will continue to have sole responsibility for making their decisions independently according to the merits of each case. The tribunals will also have the discretionary power to provide an oral rather than written statement of reasons following an oral decision, but a written one will be available on request within 14 days. It is not anticipated that oral decisions and statements will be made in complex cases but will be reserved only for a review of cases involving simple facts and very straightforward statutory interpretation where the relevant case law is well settled.

The bill as currently drafted also legislates the same threshold for assessing complementary protection claims that was originally put in place by the Labor government. Under the bill, Australia's non-refoulement obligations under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will be engaged if it is found to be more likely than not that a person seeking protection would suffer a significant harm if returned to a receiving country. The 'more likely than not' threshold was initially adopted by the Labor government when the complementary protection provisions were first introduced into the Migration Act in March 2012 but was stated in policy rather than on the face of the legislation. This threshold was lowered by subsequent full Federal Court decisions which adopted the 'real chance' test that applies to the refugees convention. The government does not accept that the real chance threshold adopted by the full Federal Court accurately reflects Australia's obligations under the ICCPR and the CAT. The real chance threshold is considered by the High Court to be less than a 50 per cent chance of harm and it could be as low as a 10 per cent chance. The government considers the more likely than not threshold—the same threshold adopted by the Labor government, and considered to be a greater than 50 per cent chance—to be more appropriate and an acceptable position open to Australia under international law. However, to be clear, decision makers do not need to calculate a risk of harm according to a mathematical formula or in statistical terms. The individual circumstances and merits of each case are considered before a decision is made. Expressing the risk threshold as a percentage is simply an explanatory tool. The government still maintains the more likely than not threshold is the most appropriate. Having said this, the government recognises the voting intention of the majority of senators and expects that schedule 2 will be removed at the committee stage.

In summary, the bill deserves the support of all parties. This bill is about enhancing integrity in Australia's protection visa determination process. It incorporates the expectations of the Australian community and internationally accepted principles of refugee status
determination in Australia's domestic law. I commend the bill to the Senate. I also table an addendum to the explanatory memorandum.

The DEPUTY PRESIDENT: The question is that the bill be now read a second time.

The Senate divided.

(The Deputy President—Senator Marshall)

Ayes ...................... 36
Noes ...................... 11
Majority ................. 25

AYES

Back, CJ
Bushby, DC
Carr, KJ
Day, R.J.
Fawcett, DJ
Gallacher, AM
Lazarus, GP
Lines, S
Lundy, KA
Marshall, GM
McEwen, A
McKenzie, B
Moore, CM
O'Neill, DM
Peris, N
Ruston, A (teller)
Smith, D
Wang, Z

Bullock, J.W.
Cameron, DN
Cash, MC
Edwards, S
Fifield, MP
Lambie, J
Leyonhjelm, DE
Ludwig, JW
Macdonald, ID
Mason, B
McGrath, J
McLucas, J
Muir, R
O'Sullivan, B
Reynolds, L
Ryan, SM
Sterle, G
Xenophon, N

NOES

Di Natale, R
Ludlam, S
Milne, C
Rice, J
Waters, LJ
Wright, PL

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

Question agreed to.
Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (11:59): I table two supplementary explanatory memoranda relating to the government amendments to be moved to this bill.
Senator HANSON-YOUNG (South Australia) (11:59): I have got a question for the minister in relation to the explanatory memoranda—the additions—that have just been tabled. Could the minister please outline the purpose of those additions to the explanatory memorandum and the impact that they will have on those affected by this bill overall.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (11:59): I, unfortunately, have to say that I do not think that anything I actually say is going to change the way that Senator Hanson-Young votes in relation to this particular piece of legislation. Quite frankly, I think I am wasting the committee's and the Senate's time in seeking to address something upon which the government and the Australian Greens are fundamentally at different ends of the political spectrum. I do not think there is one part of this legislation that Senator Hanson-Young is going to agree to. But, Senator Hanson-Young, I have tabled the explanatory memoranda and I refer you to them.

Senator HANSON-YOUNG (South Australia) (12:00): I take that to mean that perhaps the minister does not want to have a conversation about this. However, at the last minute, we have received a nine-page addition to the explanatory memorandum. For the sake of clarity, I would like the minister to explain why this was needed and the impacts of it. I think this is what the committee stage is for: being able to understand the legislation better and to inform not just us as legislators but of course those interpreting the act once it passes. It is absolutely in line with what we do in this place. If the minister does not like it, perhaps she is in the wrong house.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:01): If Senator Hanson-Young had actually listened to my summing up speech she may have been enlightened as to the reasons that the explanatory memoranda has been updated.

The purpose of the addendum is to provide additional material to the explanatory memorandum to the Migration Amendment (Protection and Other Measures) Bill 2014. The addendum is a response to a request by the Senate Standing Committee for the Scrutiny of Bills in its 10th report of 2014 dated 27 August 2014 and questions that had arisen in relation to certain measures in this bill as it progressed through the Senate. I am happy if the senator would like me to re-read exactly what I have already read into the Hansard. Following consideration of and reports by the Senate Legal and Constitutional Affairs Committee, the Parliamentary Joint Committee on Human Rights and the Scrutiny of Bills Committee, we have:

tabled an addendum to the explanatory memorandum to the bill which provides further detail on certain amendments made by schedules 1 and 4 of the bill. These measures relate as I have already stated—

to the identity and integrity measures in schedule 1 of the bill, specifically proposed sections 91W, 91W(a) and 43A; and to the Migration Review Tribunal and Refugee Tribunal integrity measures relating to providing oral statements of reasons following an oral decision.

In relation to the reasons for providing an oral decision, again, I took the Senate through those in my summing-up speech, where I stated:
The tribunals will also have the discretionary power to provide an oral rather than written statement of reasons following an oral decision, but a written one will be available—
and this was one of the concerns that was raised—

on request within 14 days. It is not anticipated that oral decisions and statements will be made in complex cases but will be reserved only for a review of cases involving simple facts and very straightforward statutory interpretation where the relevant case law is well settled.

**Senator HANSON-YOUNG** (South Australia) (12:04): Could the minister enlighten us as to why this was needed in the explanatory memorandum rather than as an amendment in the legislation itself. It would make much more sense to safeguard against anybody being subject to a miscarriage of justice by having it in the legislation itself rather than in the explanatory memorandum. Perhaps I am missing something: could the minister explain why the government's advice is that it should be in the EM rather than the bill.

**Senator IAN MACDONALD** (Queensland) (12:05): The minister will no doubt answer the inquiry just made by the Greens senator. I chaired the Legal and Constitutional Affairs Legislation Committee where we went into this bill in great detail. The senator who has just spoken is a participating member of that committee and usually involves herself in deliberations relating to migration matters.

The Greens senator, had she been paying attention at the Senate committee inquiries, would have known when these issues that the minister has just referred to were raised. She would also have seen the majority report of the Legal and Constitutional Affairs Legislation Committee, which went through these matters in some detail. In fact, the government's amendments and additions to the explanatory memorandum were exactly what the committee by majority agreed to.

I cannot help but agree with the minister in that this seems to be an ongoing campaign by the Greens political party simply to garner some political support by what I call the migration industry—an industry that has grown up and which does not like some of the things which, effectively, bring some order and regularity to our immigration system and the way we deal with claims from asylum seekers.

Much of the work of the committee is extended because of questions by the representatives of the Greens political party, who never seem to listen to the evidence but simply, as is appropriate to their political outcomes, raise issues which have already been raised and spoken about and explained by various of the witnesses. But the Greens political party seem to just use these proceedings to run out the standard mantra that they always use. It does not matter what the bill is, there is a series of emotive words used by the Greens political party about any migration matter, whether it is relevant to the bill or not. Quite frankly, I could not agree more strongly with the minister's comments that it is not part of the process that really assists this committee; it is just something to grab a headline, using emotive words—the same words that are used, I might say, no matter what the issue is.

The particular Greens senator involved does, as I say, insert herself as a participating member in some of the inquiries. Regrettably, it is not often that that particular representative of the Greens political party stays for the whole time. She simply comes in, gets the attention of the media and then leaves. I only raise these matters because, quite frankly, the Senate has a lot of work to do. There are a lot of serious bills to be addressed. The questions that the representative of the Greens political party is asking were all fully canvassed at the Senate committee hearings. The reasons were given. As a result of that, the majority of the committee put forward recommendations, which I am delighted to say the government has
taken up. It shows that this is a government that does listen to sensible options put forward by members of the community. It is a government that does listen to senators in this parliament working, usually constructively, through these committees to improve on legislation which the government wants to get through and which the committee acknowledges has a purpose. But the committee has, on a number of occasions, identified things where bills could be improved. As I say, I am absolutely delighted that we have a government that is prepared to listen to suggestions for improvements and to act on them.

The questions which are being raised with the minister now by a representative of the Greens political party are the sorts of questions that were fully canvassed in the committee hearings. They are, again, issues which were the subject of a written report, which I would have hoped the senator might have read. If she had, she would not be asking these questions, because the answers are all clearly explained in the committee report, which again I commend to the chamber. I thank again the government for listening to the suggestions made for improvements.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:11): Senator Macdonald is correct: the revised addendum addresses crossbench and opposition concerns that were raised during the various Senate hearings that have been held in relation to this bill. As I said, I actually thanked the crossbenchers and the opposition for working with the government in a constructive manner so that we could come to some form of consensus on this bill. As I have already stated in the summing-up speech, as I have also already stated in my first answer to Senator Hanson-Young, the government considered the reports that were provided by the various committees, we acknowledged the concerns that were raised and we have now addressed those concerns within the addendum to the explanatory memorandum of the Migration Amendment (Protection and Other Measures) Bill 2014.

But I go back to this again: it really does not matter what I say, Senator Hanson-Young, you and I both know that, on this particular issue, you dealt yourself out approximately six years ago. The crossbench and the opposition have negotiated with the government and we have come to a reasonable conclusion. But, in terms of the addendum, you were part of those committee hearings, you know exactly what the majority reports say, and the government has addressed the concerns raised. We have not addressed your concerns, I have no doubt, Senator Hanson-Young, but, as I said, I do not think it matters what we do in this place; it is not about to address your concerns.

Senator HANSON-YOUNG (South Australia) (12:13): Chair, I will take your direction about moving through the circulated amendments.

The CHAIRMAN: There is a running sheet, but I am happy to take any amendments that are moved. There are none before the chair now.

Senator HANSON-YOUNG: by leave—I move Australian Greens amendments (3) and (1) on sheet 7572:

(3) Schedule 1, page 4 (before line 2), before Part 1, insert:

Part 1A—Amendments commencing on Royal Assent

Migration Act 1958

1A After section 35A
35B Protection visas—advice and application assistance

Scope

(1) This section applies to an applicant for a protection visa who meets the criteria prescribed by the regulations for the purposes of this subsection.

Entitlement to advice and assistance

(2) Subject to subsection (3), the applicant is entitled to receive independent immigration legal advice and assistance in relation to his or her application.

Limitation on assistance

(3) The applicant is not entitled to any assistance after:

(a) the protection visa has been granted; or

(b) if the protection visa is not granted and the application applies to have the decision reviewed—

the review has been finally determined.

(1) Clause 2, page 2 (after table item 1), insert:

1A. Schedule 1, Part 1A  The day this Act receives the Royal Assent.

These amendments go to the need for legal assistance. The minister is right in one respect—that the Australian Greens are fundamentally opposed to a number of the things that are in this bill and we do not support the bill. We do not support the idea of schedule 2, in particular, in terms of its watering down protections for those who fall outside of the refugee convention but need complementary protection, particularly young women and girls who are facing some of the world's most awful atrocities—honour killings and awful things like that. But there are a number of other elements of this bill as well that are fundamentally bad in terms of what they are going to do in putting people's lives at risk. As I said in my speech on the second reading, this bill misses the point. It misses the realities of what it is like to be a refugee—the realities of how many people have to flee, what they have to do to get out of their countries in the first place and the journey that they take to find safety, whether it is here in Australia or elsewhere.

Given all of that, the minister is right that the Greens are opposed to this bill. But we also accept that there is majority support in this place between the Labor Party and the government on this. They believe that things need to be tougher when it comes to how Australia treats asylum seekers and refugees. I do not understand how much tougher it can really get when we lock children up, throw away the key, have them sit in indefinite detention and drive them mentally crazy. You would wonder how much tougher it can get, but, apparently, both the Labor Party and the government are willing to find out.

One of the things that we have tried to do in this bill, despite our opposition to it, is to say that there are some fundamental aspects that, if tweaked, would give a little more fairness to the system—a bit more in line with what you would expect from a fair and decent country like Australia, a country that upholds the notion of the rule of law. These two amendments, (3) and (1), go to providing legal assistance to those affected directly by this bill. One of the reasons this is important is that we know that the decisions made about whether a refugee's claim is accepted or not are life and death decisions. We have to make sure that we are not unnecessarily putting people's lives at risk. That means ensuring that people have the ability to put forward their case clearly, with an understanding of their requirements. It makes the
system more efficient, which I know is one of the objectives of everybody in this place—to make the assessment process, the processing of people’s claims, more efficient so that we are not unnecessarily tying up the process or, indeed, keeping people in detention or on bridging visas for any longer than need be. But, in order to do that, we need to provide legal assistance to people to help them fill out their applications.

People used to be given legal assistance to help them fill out their claims to ensure that they knew what their obligations were and to streamline the process. That legal assistance was cut some time ago. It has not been afforded to asylum seekers in this country for quite a while now, and it is time we reinstated it. If we are going to start changing the rules, people need to know what those new rules are and how they can abide by them. It is simply about showing not just a bit of care but a bit more fairness towards people as they have to manoeuvre their way through what is now becoming a pile of new processes and hurdles that they have to jump over. That is what these amendments do: they reinstate legal assistance for people so that they can successfully abide by the new rules as set out in this bill and in the bill that was passed by this place last year. It will hopefully mean that fewer mistakes are made by our immigration department, by the people who are making the assessments. If we believe that people need to give all of the information up-front and that they need to give clear explanations about where their identity documents have come from or where they have gone, we need to make sure that they have a full understanding of what the rules are and what is expected of them. Giving them legal assistance is, of course, the best way of doing that.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:19): The government will be opposing the Greens amendments. As I have already stated, the government acknowledges that there will always be a small number of vulnerable individuals, including unaccompanied minors, who may not be able to clearly present their claims without assistance. The government will continue to have arrangements in place to provide funded application assistance to a small number of the most vulnerable individuals, including unaccompanied minors, through a primary application information service. Replacing the Immigration Advice and Application Assistance Scheme with a needs based system for primary processing, which is the primary application information service, for only the most vulnerable eligible persons is similar to government funded assistance arrangements for those who arrive lawfully by air or sea and seek protection, and provides a clear focus to funding migration assistance to only those people who are considered vulnerable. Removing access to the IAAAS from all protection visa applications at review is designed to encourage the provision of full, personal and accurate claims as early as possible in the primary application process.

Senator KIM CARR (Victoria) (12:20): The opposition has entered into an arrangement with the government in regard to the detail of this bill. As a consequence, it may be of assistance to the committee to know that the Labor Party will not be supporting any of the Greens amendments. In terms of the specifics—and I do not need to go through this on each and every occasion, but I will on this matter—the Labor Party's view is that we have to ensure that we are able to offer protection to people in need. To do so, we have to have a robust and efficient framework for the administration of decisions and the making of decisions about who qualifies and who is established as a genuine refugee, and to have measures in place to
prevent the gaming of the system. There is no doubt that there are some who will seek to
game any system. This includes applicants who use primary application as a dry run and then
rebuild their application for review at a review stage based on feedback from the primary
decision maker. This is clearly not the intent of the review process. It is reasonable if there is
new information that is provided but it is equally reasonable that the applicant provide a
reasonable explanation as to why that information was not available at an earlier stage.

The Greens have moved a couple of matters within the one set of amendments and I want
to note that item 3 seeks to reinstate the regime of independent legal assistance for applicants
that was a feature of the former Labor government and would be a feature of a future Labor
government’s regime.

**The CHAIRMAN:** The question is that amendments (1) and (3) on sheet 7572 be agreed to.

The Senate divided. [12:27]

(The Chairman—Senator Marshall)

Ayes ................. 11
Noes ...................35
Majority............. 24

**AYES**

Di Natale, R
Ludlam, S
Milne, C
Rice, J
Waters, L
Wright, PL

**NOES**

Bullock, J.W.
Canavan, M.J.
Cash, MC
Collins, JMA
Dastyari, S
Gallacher, AM
Lazarus, GP
Lundy, KA
Marshall, GM
McEwen, A (teller)
McKenzie, B
Moore, CM
O’Neill, DM
Polley, H
Ruston, A
Smith, D
Urquhart, AE
Williams, JR

Bullock, J.W.
Canavan, M.J.
Cash, MC
Collins, JMA
Dastyari, S
Gallacher, AM
Lazarus, GP
Lundy, KA
Marshall, GM
McEwen, A (teller)
McKenzie, B
Moore, CM
O’Neill, DM
Polley, H
Ruston, A
Smith, D
Urquhart, AE
Williams, JR

Bushby, DC
Carr, KJ
Colbeck, R
Conroy, SM
Edwards, S
Ketter, CR
Ludwig, JW
Macdonald, ID
Mason, B
McGrath, J
McLucas, J
Muir, R
O’Sullivan, B
Reynolds, L
Seselja, Z
Sterle, G
Wang, Z

Question negatived
**Senator HANSON-YOUNG** (South Australia) (12:29): The Australian Greens oppose part 1 of schedule 1 in the following terms:

(4) Schedule 1, Part 1, page 4 (lines 2 to 25), to be opposed.

These are amendments being made to the issue of burden of proof and new claims.

This is one of the issues that was raised consistently throughout the Senate committee process—particularly, a number of legal experts are concerned about changing the expectations and shifting the burden of proof onto asylum seekers, particularly those who have been traumatised for many years in having to flee persecution and then again, of course, through Australia's detention process.

Remember that this bill will impact directly on those who have been considered to be part of the legacy caseload. These are people who have not been able to have their claims dealt with up until now. The idea that without legal assistance—that we have just seen voted down in this place—the burden of proof is shifted to them in such a unfair and unbalanced way, I think—and this is the Australian Greens view—is going to put lives at extreme risk. We are quite concerned about it.

Also, of course, there is the issue of the new claims element—identity documents—and how that impacts on family members. When they have been on their journey as a refugee for a number of years, many people—for example, people who have fled Afghanistan four or five years ago and who are now living in Australia—have not been able to put forward their claim. The circumstances in their home towns in Afghanistan has changed a lot in the last four or five years. Often the safety of family members has been impacted throughout that time—those who remained behind. In fact, we continue to hear, sadly, on a very regular basis that asylum seekers who are living here in Australia and waiting for their refugee claims even to be started are getting awful phone calls or notices from home that their sons, daughters, mothers, fathers, brothers, sisters or family members have been targeted and killed by the Taliban throughout that process, over that long period of time that they have been waiting to get their refugee claim sorted and, of course, for family reunion.

We have already put these people through enough. The shifting of the burden of proof and not allowing an understanding of the very real impacts of this time lag are having very real life-and-death impacts on them and their families. It is a little callous—just trying to ignore the realities of that. So that is what this amendment is about, and I hope there are other members in this place who are willing to support this amendment. It is not outlandish, it is simply about trying to put a bit more balance into this legislation.

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:33): The government will not be supporting this amendment. It merely provides a smaller reasonable obligation on the applicant. It is subject to the reasonableness test and the measure formulises a reasonable expectation. It is actually consistent with practices in the United States, the United Kingdom and New Zealand.

**The CHAIRMAN:** The question is that part 1 of schedule 1 stand as printed.

The committee divided. [12:37]

(The Chairman—Senator Marshall)

Ayes ......................35
The Australian Greens oppose schedule 1 in the following terms:

(1) Schedule 1, item 2, page 5 (lines 3 to 12), to be opposed.

(2) Schedule 1, items 4 to 10, page 5 (line 18) to page 6 (line 22), to be opposed.

(3) Schedule 1, item 11, page 6 (line 25) to page 7 (line 14), section 91WA to be opposed.

(4) Schedule 1, items 12 and 13 (lines 28 to 32), to be opposed.

These amendments also follow another one, which will have to be tested separately. Together, these amendments remove the elements that this bill deals with in terms of bogus documents. I understand on face value the argument that people who do not have their right documents should not be given the benefit of the doubt. I understand on face value why that seems like a very reasonable argument.

But what that argument does is dismiss the realities of the circumstances people are in when they flee persecution. Often, people have to be smuggled out of their countries in order to keep them safe and to get them across the border. If you were a government official in the Iraqi government under Saddam Hussein, for example, and you started to raise concerns with what was going on, perhaps speaking to the media or speaking to officials outside Iraq about
the acts things the Saddam Hussein government was committing, it would be very difficult for you to leave that country with your own identity and your passport stamped, knowing that the government is watching your every step. That is the reality of people who are fleeing for genuine protection reasons.

Unfortunately, it does create complexities for a country like Australia when people do arrive on our doorstep. It does mean that is difficult to find out exactly who people are. It does mean that we need to do a little bit more digging and a bit more research. It does mean that sometimes we have to give people the benefit of the doubt. I must say, I would prefer to give people the benefit of the doubt than to say no to giving somebody protection because we simply do not want to understand the realities of why that person had to come here with a fake passport.

I remember being in high school and reading stories and watching films about the heroic decisions to flee Nazi Germany or occupied France. Many hundreds and thousands of Jews were smuggled out of those countries on false identity documents. It is how they did it safely. I am not saying that these people should not be questioned and I am not saying that we should not look at the details of their identity documents; what I am saying, however, is that we should not just put a cross next to their application because a document in the first instance does not look genuine or, indeed, is not genuine because they have had to use it in order to flee atrocities and to flee safely. It is often getting out of your country that is the hardest thing to do in the first place: being undetected, without being caught and often having to lie to your family about where you are going and the journey you are going to take.

I tell you what, if I had to leave my country because my government was targeting me or my family and I had to use a fake passport to do it, I would. I would assume that every other one of us in this room, if it was about life or death and saving our children, if it meant having to take a fake passport to get out before you are caught, before you are in jail, before you disappeared and before there was bullet put in your head, then you would.

I move the amendments as outlined.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (12:44): Mr Chairman, the government will be opposing these amendments. The government has accepted that there are exceptional circumstances which may prevent an applicant for a protection visa from providing documentary evidence of identity, nationality or citizenship—for instance, the circumstances of some stateless people. We have clearly outlined the steps we are taking in relation to the—

Progress reported.

Australian River Co. Limited Bill 2015
Second Reading

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

Senator McLUCAS (Queensland) (12:45): I rise to speak today to the Australian River Co. Limited Bill 2015 on behalf of the opposition, and to add some personal comments of my own. The bill gives effect to the abolition of the Australian River Co. Limited, ARCo, which
was announced in the 2014-15 budget. The bill contains provisions to give effect to the proper transfer of functions, assets and liabilities from the Australian River Co. to the Commonwealth—in fact, to the Department of Finance—ahead of the Australian River Co.’s deregistration. The bill also contains provisions to ensure that the Commonwealth is the Australian River Co.’s successor at law in relation to contracts and other instruments, including insurance policies.

The Australian River Co. was originally created on 1 October 1956 as the Australian Coastal Shipping Commission, which then operated around 40 ships. It became the Australian Shipping Commission in 1974 and was subsequently incorporated as ANL Limited. In 1989 it became the Australian National Line, and finally took on its current name in 1998. The original purpose of the company was to establish, maintain and operate or to provide for the establishment, maintenance and operation of shipping services for the carriage of passengers, goods and mail. In 2002 the then Howard government wrote to the board requesting that the company be managed with a view to it being wound down. Since then, that is how the company has operated. During our term in government we continued the process of winding down the company, selling off the last of the company’s two ships—both bulk bauxite carriers—during 2012.

The company itself ceased to trade in August 2012, when the last of the ships were sold. According to its last publicly-available annual report, as of 30 November 2013 its only ongoing operations relate to the management of legal and insurance matters for the company, particularly workers' compensation liabilities. The company has no employees and no premises; it only has a board comprising three members and a company secretary. Upon deregistration, the remaining assets, activities and liabilities of the company will be moved to and taken on by the Department of Finance and, as such, the opposition will of course be supporting the bill.

I also want to make some comments about the issue of coastal shipping, particularly a matter that affects coastal shipping in Northern Australia. A report on coastal shipping and the need for change was circulated around the industry in February, putting forward options for discussion which include proposals for foreign ships to take up our coastal shipping. We heard during Senate estimates just last month that this could potentially impact around 2,500 jobs and threaten Australian wages and conditions. Our maritime industry does not need the threat of job losses or the loss of Australian conditions and wages so that we can provide additional competitive labour to foreign shipping companies employing foreign workers at, we have been told, $3 an hour. The Australian shipping industry is vital for areas such as controlling our ports and for providing the training and skills needed for our future generations of maritime workers. But I am concerned that the government has moves afoot that will threaten the future of Australian flagged shipping and the many jobs that flow from it.

In my home town of Cairns we had a locally-owned cruise company, Coral Princess Cruises, that was founded more than 30 years ago by Captain Tony Briggs and that employed about 120 people. In 2005 Coral Princess Cruises built its $30 million flagship, the Oceanic Discoverer, in Cairns. It had been a great success for Coral Princess Cruises, so much so that Captain Briggs was considering construction of another ship to match Oceanic Discoverer. But this has all changed. Captain Briggs was so concerned about proposed changes to coastal
shipping and the threat to his business that he sold it. It is now in the hands of Singaporean interests. The Abbott government had already given a foreign company operating a Bermuda-flagged cruise ship, the *Caledonian Sky*, open slather on a route that was in direct competition with the Coral Princess Cruises route. Captain Briggs believes that the changes have already been made, and rightly said this decision by the government was 'exporting jobs'. And he is right.

Foreign ships do not have to employ Australians—they can employ cheaper foreign crew on lower conditions and without the need to comply with Australian OH&S and industrial relations rules, and without the need to pay tax. The member for Leichhardt said that the decision to give *Caledonian Sky* the licence to operate the itinerary was, and I quote, a 'stuff-up'. Frankly, this is an appalling excuse that has cost Australia jobs. It should never have happened. It flies in the face of any plans the government has to develop Northern Australia.

Here was a local company employing local people, paying tax, having its ships built locally and contributing significantly to the economy in my town. I cannot imagine that Captain Briggs was heartened to hear Mr Entsch describe it as a mere 'stuff-up'. Like my colleague in the House Mr Anthony Albanese, I believe we need an open, transparent and wide-ranging debate on whether we want to continue to see Australian flags on ships around our coast. Anything less will send a message to other Australian owned or flagged ships that their very existence is under threat.

Having said that, to return to the Australian River Co. Limited Bill 2015, I confirm that the opposition will be supporting the bill, as we continued, when we were in government, to implement the strategy.

**Senator Ryan** (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:52): I thank Senator McLucas for her contribution and commend the Australian River Co. Limited Bill 2015 to the Senate.

Question agreed to.

**Bill read a second time.**

**Third Reading**

**The Acting Deputy President (Senator Gallacher)** (12:52): 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 Ryan** (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:52): I move:

That this bill be now read a third time.

Question agreed to.

**Bill read a third time.**
Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015

Second Reading

Debate resumed on the motion:
That these bills be now read a second time.

Senator JACINTA COLLINS (Victoria) (12:53): The Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015 and the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015 are supported by Labor, as they make further amendments to the role of the National Offshore Petroleum Safety and Environmental Management Authority, or NOPSEMA, and also respond to the boundary changes caused by Geoscience Australia's cadastral mapping program.

On 22 May last year, Geoscience Australia wrote to the Western Australian Department of Mines and Petroleum advising of changes to the maritime boundaries around South Scott Reef and North Scott Reef, collectively known as Scott Reef, and Seringapatam Reef. These boundary changes came into effect on 20 May last year. South Scott and North Scott reefs—Scott Reef—and Seringapatam Reef lie approximately 450 kilometres north of Broome in an area of the Indian Ocean known as the Browse Basin. Located off the north-west coast of Western Australia, the highly prospective Browse Basin is home to a large number of gas and condensate discoveries, a number of which are being developed as liquid natural gas projects.

The Western Australian parliament passed the Petroleum Titles (Browse Basin) Bill 2014 last year to provide security of tenure by overcoming the risk of creating any vacant areas and thus uncertainty in the Scott Reef or Seringapatam Reef areas. These bills we are debating are in effect a mirroring of the Western Australian legislation.

The Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Matters) Bill 2015 will automatically extend the coverage of the titles under the act to ensure security of tenure over blocks moving from state or Northern Territory coastal waters into Commonwealth jurisdiction as a result of boundary changes. It will also provide arrangements for the granting of renewals of Commonwealth titles over blocks remaining in Commonwealth waters, where part of that title has moved into state or Territory waters as a result of boundary changes.

The Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Bill 2015 provides the ability for the National Offshore Petroleum Titles Administrator to collect an annual titles administration levy with respect to a boundary-change petroleum exploration permit.

Labor supports these amendments and recognises the importance of providing certainty over tenure. We also recognise the important role of NOPSEMA in reducing the regulatory burden on industry and the potential to deliver improved regulatory outcomes.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:56): I thank Senator Collins for her contribution and commend the Offshore

Question agreed to.

Bills read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (12:56): As no amendments to the bills have been circulated, I shall call the minister to move the third reading unless any senator requires that the bills be considered in Committee of the Whole.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:56): I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Succession to the Crown Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator JACINTA COLLINS (Victoria) (12:57): It will be no surprise for anyone to hear that the opposition will be supporting the Succession to the Crown Bill 2015. In fact, it was at the 2011 Commonwealth Heads of Government Meeting, in Perth, that the Labor government supported the British government's move to amend the succession laws of the Commonwealth to better reflect the values of our time.

In 2013 the British government passed their own Succession to the Crown Act. Once the 16 Commonwealth nations still tied to the British monarchy have implemented their own domestic legislation, the British legislation will become law.

In Australia's case, each of the states needed to pass its own legislation requesting the federal government to legislate on behalf of the whole country. All the states have now passed their legislation, and this bill completes that process. We are in fact the only Commonwealth country left to do so, apart from a constitutional challenge against the Canadian legislation.

There are three changes in this bill which amend the current arrangements. They are, firstly, the abolition of the succession rule which stated that a man precedes his sister in succession to the throne even if she is the elder sibling; secondly, the removal of the rule disqualifying a person from the line of succession if a person marries a Roman Catholic—the monarch must still be an Anglican, which is maintained in the Act of Settlement—and, thirdly, the abolition of the Royal Marriages Act 1772, which has the effect of the monarch not needing to consent to the marriages of descendants of King George the Second. There are hundreds of people in this category. Under the new arrangements, the monarch's consent is only required for the first six people in line to the throne. The consent is only needed when dealing with royal succession and does not invalidate any marriage itself.
Now Labor's position on Australia becoming a republic is very clear. The opposition believe the people of Australia should have a say in how their country is governed, which includes the ability to have an Australian head of state. The fact we need to even deal with this type of bill sends the message that the current monarchy's value system has been out of touch with modern Australia for a very long time.

All Australians should aspire to serve our country at every level, including as our head of state. We are a country with an egalitarian ethos, that believes the criteria for public service should be hard work, integrity and ability, not privilege of birth. Indeed, the very structure of this Senate reflects that—a fully elected upper house is a statement in itself.

Labor welcomes changes to these succession laws as it brings the British monarchy in line with modern values and expectations. We would indeed welcome, one day, having an Australian head of state.

Senator MILNE (Tasmania—Leader of the Australian Greens) (13:00): I rise today to support the Succession to the Crown Bill 2015, but I could not say that I agree with the parliamentary secretary's second reading speech when he said, 'It aligns the royal succession laws with modern values.' If anything that is a total oxymoron. For goodness sake, of course we should be in a situation where if you wish to maintain the monarchy, if you wish to maintain succession of privilege and wealth by virtue of who you are born to and in which country, well then, yes, absolutely, that girls should be able to take on the role and should not be bypassed in favour of a brother, an uncle or somebody else.

But here we are so late behind the eight ball, with Catherine about to have her baby in the UK. Why is Australia lagging behind? It is because of Queensland. This is how ridiculously backward this country has become—Campbell Newman refused when COAG got together to say, 'Let's give this the big tick.' This was actually put forward before Prince William had his first child, but Queensland held it up, and why? Queensland say that they, like every other state, have a personal and direct relationship with the royal family and it will not be subjugated to a national point of view.

So in Australia we have this ridiculous proposition maintained that we are so enamoured of the monarchy that every state has its own governor, who is effectively the viceroy who has the personal relationship with the British monarchy and that is why they will reserve the right to decide. Not only did Campbell Newman hold this up, the former Premier of Queensland; of course, he went backwards and took down the new coat of arms that Queensland had developed and restored the former coat of arms for Queensland.

Australia is a modern country. I am really proud of this nation and we should have our own head of state. It is a complete nonsense that we are still deferring to the British royal family. The British royal family themselves think it is ridiculous. At the end of her to Diamond Jubilee year, the Queen said she understands where Australia sits in relation to the end of British Empire. It would be an enormous relief to her if we finally stood up for ourselves, I am sure. How ridiculous would we have looked had the referendum for Scotland had succeeded. We would have looked so stupid—there was Scotland, an independent country, and Australia still with its apron strings attached to the monarchy. It would have looked utterly ridiculous. Where would we have been with our flag and everything else at that point? It all would have had to have been changed if Scotland had to be taken off.
At some point we need to stand up. At some point, Australia must affirm itself as a modern, independent nation that can have its own national identity and values and our own head of state. Times have changed. Australia has changed. The Queen realises Australia has changed. That does not mean that Australians do not have enormous affection for the royal family. They do. That is not the point. The point is we should be a republic. We should have our own head of state. We should be getting on with it. It is a national embarrassment that Queensland, under Campbell Newman, have left us in this invidious position. I support the change to these succession. I support it in terms of women being able to take their place but in a broader context. This is not a debate the Australian parliament should be having in 2015. The debate we should be having is: Australia, the republic; the strong, independent nation in the world.

Senator SMITH (Western Australia) (13:05): I am pleased to support the Succession of the Crown Bill 2015 and I could not be at more variance than the previous speaker. In doing so, I make the observation that we are all witnessing firsthand the peaceful evolution of our constitutional customs and traditions, specifically to reform the historic rules of succession to the Crown in Australia. This modernisation of the laws of succession ensures the continued relevance of constitutional monarchy to Australia and its people, and reflects that commitment that all that all Australians have to equality and nondiscrimination.

We are proud today to be changing the laws of royal succession to reflect modern Australian values. This reform allows the Crown to better reflect our contemporary values while preserving the traditions of our constitutional monarchy. The rules of succession to the Crown have included two discriminatory provisions: firstly, that male siblings take precedence over female siblings, regardless of age; and, secondly, that a person may not marry a Roman Catholic and remain in line to assuming the Crown.

The historical context is critical if we are to properly understand the significance of the reforms. The rules of succession to the Crown derived from the Bill of Rights of 1689, the Act of Settlement of 1700 and the common law. They were designed to secure the Protestant succession and to prevent alliances with Catholic states and continental Europe as well as to further assert and entrench parliament's constitutional supremacy. They were born of political and religious strife of various historical periods. The combined effect was to secure the freedoms and status of parliament against the possibility of monarchical absolutism. It is valuable to acknowledge the supremacy of parliament in determining matters of succession to the Crown.

The reforms we are agreeing today have their genesis in the historic agreement reached in Perth at the Commonwealth Heads of Government meeting in October 2011, where it was agreed that each of 16 Commonwealth nations of whom Her Majesty Queen Elizabeth II is head of state would the rules governing succession to their respective crowns. The agreement reached was to end male preference primogeniture where a younger son could displace an elder daughter in line of succession, to remove the legal provision that anyone who marries a Roman Catholic shall be ineligible to the Crown and to remove the general requirement for descendants of His Late Majesty George II to seek the sovereign's consent to marry.

This bill matches similar bills passed by each of the 16 realms of which Her Majesty Queen Elizabeth II is head of state. In that vein it is worth noting the uniqueness of the Australian context. Our form follows from request and consent acts which have been passed by each of the six state parliaments over the last several months. The Commonwealth, states
and territories and the Council of Australian Governments agreed to the reforms in July 2012 and agreed in April 2013 to implement them using a legislated consent and request approach relying on section 51(38) of the Constitution. Under this approach each of the states pass legislation requesting that the Commonwealth enact legislation for the whole of Australia. All states' legislation needs to commence before the parliament of the Commonwealth of Australia can enact the Commonwealth legislation. I note here that all states' legislation has now been commenced. The parliament of my home state of Western Australia was the last of the state parliaments to consider this matter and did it just recently. This approach befits the nature of our federation in that this manner of change should be cooperative rather than through imposition of a law made by the federal parliament which may later lead to legal doubt.

It is timely to reflect on the issue of gender and the Crown given that some of the greatest occupants of the throne have in fact been women: Queen Elizabeth I, Queen Victoria and our current sovereign, Her Majesty Queen Elizabeth II. The last two, of course, have been ever present in the birth and subsequent history of our modern Commonwealth. It was Queen Victoria who signed the Commonwealth of Australia Act 1900 and witnessed Federation on 1 January 1901 before her own death just 21 days later. And we can but be in awe of the tremendous service beyond self and conspicuous grace exhibited by our current sovereign since her accession to the throne in February 1952.

It should be acknowledged that the passage of this bill is taking place as we progress toward the anniversary and, I would hope, celebration of a most remarkable historical achievement. The two longest serving monarchs in the history of our crown have been women: Queen Victoria having been monarch for 63 years, seven months and two days; and Queen Elizabeth II, who in September this year with God's grace will pass her great-grandmother's record as the longest reigning monarch ever. Few will be surprised to hear me remark favourably and with thanks on the good fortune endured during this sovereign's reign—a reign marked by steadfastness and fierce political neutrality. The very fact that our democracy is one of the longest existing democracies in the world is a testament to the fact that the sinews of our system of government do not break under strain. They are supple and they flex to take account of modern needs.

I think it is important to give due recognition to the role played in these changes by two people in particular. The former UK Prime Minister Gordon Brown was in many ways a significant driving force behind these changes. He told the House of Commons in 2009:

There are clearly issues about the exclusion of people from the rights of succession and there are clearly issues that have got to be dealt with. This is not an easy set of answers. But I think in the 21st Century people do expect discrimination to be removed and they do expect us to be looking at all these issues.

The other figure I wish to recognise in playing a significant role is—and I do this genuinely and graciously—the former Prime Minister Julia Gillard, who rightly said that just because the changes appear simple 'doesn't mean that we should underestimate their historical significance,' changing as they will for all time the way in which the monarchy works and changing its history. In many respects, by supporting this bill today we are active contributors to a reform we will likely never witness.
In conclusion, I reflect on the value of constitutional monarchy in Australia. I would like to quote from *The Australian*, no less, in its editorial noting the diamond jubilee of our current sovereign. It said:

As Queen, Elizabeth's skills in transcending politics while counselling to 12 British prime ministers, from Winston Churchill to David Cameron, and presiding over an often fractious Commonwealth have demonstrated the stable benefits of constitutional monarchy. In more capricious hands the story might have been very different. While remaining apolitical, the Queen's advocacy of tolerance and social cohesion and support for those who are suffering has made her an influence for good.

Finally, of course, the comments of the very eminent Australian, esteemed jurist Michael Kirby:

The countries of the world that tend to be the most liberal, secular and tolerant happen to be constitutional monarchies: the UK, Canada, New Zealand, the Netherlands, Belgium, Spain. That may be just an accident, but I doubt it. The system puts in place a person whose life must be one of service. As well, it avoids the head of state problem: leaders who get carried away with their own importance. It keeps out of the top jobs rather unlovely characters. The constitutional monarchy is a core principle in the Australian Constitution.

All senators who support this bill can be justly proud of playing a small part in this unique but historical piece of constitutional evolution.

**Senator IAN MACDONALD** (Queensland) (13:13): I also support this bill and was not intending to add to the very fine contributions by the minister moving it and by Senator Smith, but Senator Milne's comment about the flag has encouraged me to make a small contribution in the form of a poem:

Our flag bears the stars that blaze at night,
In our southern sky of blue,
And a little old flag in the corner
That's part of our heritage too.

It's for the English, the Scots and the Irish
Who were sent to the ends of the earth,
The rogues and schemers, the doers and dreamers
Who gave modern Australia birth.

And you, who are shouting to change it,
You don't seem to understand,
It's the flag of our law and our language
Not the flag of a faraway land.

(Though there are plenty of people who'll tell you,
How when Europe was plunged into night,
That little old flag in the corner
Was their symbol of freedom and light.)
It doesn’t mean we owe allegiance
To a forgotten imperial dream;
We’ve the stars to show where we’re going.
And the old flag to show where we’ve been.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:15): The details of the Succession to the Crown Bill are well known and have been outlined by my colleagues who have spoken before me today. It ends male preference primogeniture in the right to the throne, it lifts the long prohibition on marrying Catholics for those in the line of succession and it limits the need for permission from the sovereign for the first six in line to the throne when they seek to marry, as well as validating some past marriages. It is important to note the process by which this bill has come to the parliament. I note that the Parliamentary Secretary to the Prime Minister in the other place outlined that from his research this was only the third time in the Commonwealth’s history that this particular provision of the Constitution—section 51(xxxviii)—had been used, with the other examples being the Australia Act 1986 and, of all things, the Coastal Waters (State Powers) Act of several decades ago.

Senator Smith outlined a very important principle that this act reflects and that has been the case since the 17th century. This act reflects the principle of parliamentary democratic sovereignty over the right to the throne. However, I will note that it does have a contrast with one of the elements of our own constitution, in section 116, which does guarantee freedom of religion and prevents the Commonwealth establishing a religious test for any public office or in fact a state religion. I do want to turn to some of the history of that, as well as our other constitutional arrangements, because they are relevant to this debate and I note that they have been brought up by many of those opposite in this chamber and also in the other place. This bill provokes a discussion of these issues.

Many have raised the issue of a republic—we have heard that here this morning. In the other place someone described Australia as a dominion. The important point about our history, and this goes to the way our nation was formed, is that Australia never described itself as a dominion—it was always a Commonwealth. When the constitutional drafters took the agreed bill to London for passage through the UK parliament, the very terminology ‘Commonwealth of Australia’ raised certain eyebrows because of its connotations with historical events in England. Too often the republican movement in Australia mistakes nationalism for republicanism. I hasten to mention that I say this with a different world view from my colleague Senator Smith—I have been a republican for as long as I can remember. But a republic is not just about the head of state—it is about a form of government. It is about a form of government where one is as concerned with the tyranny of the majority as it is with reflecting it through democratic means. In fact, one of the first outlines of a modern republic by Montesquieu defined the British system of government at the time as a perfect republic—a crowned republic with three separate, distinct sources of authority through the executive, the legislature and the judiciary. Too often republicans in Australia are solely nationalists. We hear the cry ‘an Australian for head of state’ but we do not have any discussion about the role this person will play or the manner by which we choose them.

Most of the arguments of many of those proposing change in the 1999 referendum, which I opposed, could have simply been addressed by the legislation for an Australian monarchy.
The cry over and over again was 'a mate for head of state' or 'an Australian for head of state'. Some of the ill-founded attacks by some republicans on direct-election republicans during that campaign, and which occasionally get reflected in these debates, are based on this misunderstanding of republicanism. Whether they were from a Labor tradition like Clem Jones or a more conservative tradition like Paddy O'Brien, their commitment to republicanism was about a form of government. That is a very important thing to understand when we look at how our Constitution was formed. In particular, when we look at the features of our republican constitution that we have here, we have an independent court that has the power to rule acts of this parliament invalid; we have this very chamber—one of the most powerful upper houses in the world and the most powerful upper chamber in any Westminster parliament; we have a written constitution; and we have sovereignty guaranteed at the Commonwealth and state levels. The 1999 referendum weakened proposal the power of this chamber quite dramatically, and I think it was during a condolence debate in the other place on the passing of former Prime Minister Gough Whitlam that my colleague and friend the member for Wentworth, who was the leader of the Yes campaign in 1999, conceded that one of the impacts of the 1999 referendum being passed would have been the effective removal of the power of the Senate to block supply. That was never explicitly outlined, but it profoundly weakened one of the key republican elements of our federal Constitution.

Our process of federation was a unique one. It is one that we can and should be proud of and indeed I am. Our federation was made by many forgotten republicans whose values were incorporated into the formation of the Commonwealth of Australia. On many occasions Australia has been referred to as a crowned republic because of the strong republican elements in our Constitution. By any test we are a federal republic through the outline of the institutions I have just mentioned—the Senate, the states, the written constitution, the strong courts and guaranteed judicial independence. What I find odd is that so many of those voices who claim to be republicans so often complain about these very same features of our Constitution. Look at the single most important part of our Constitution, which is section 128—the referendum power. Unlike virtually every other formation of a democratic nation, the power to change the constitution was not given to politicians, it was not given to elected assemblies, it was not given to stacked assemblies of people who were chosen because they held a view—it was given solely to the people of this country. Too often those proposing change who then bleat about the failure of referendums have failed to understand that sense of public ownership over our Constitution. I have never understood how so-called democrats—Senator Milne reflected an attitude like this, complaining about the state of our constitutional arrangements in her speech earlier—can complain about the result of a referendum. We have given the people a choice. Of the 36 referendums that have failed, 34 of them have failed on a national level. Only two failed because they only succeeded in three states, not four, but still had a national majority. On the overwhelming number of occasions the people have chosen to not change the constitution it has been by a strong national majority.

Too often the language of people who want change does not reflect a commitment to the arrangements that were set up by the people who drafted our Constitution. That is true whether the proposed change is about our head of state or whether it is, as it always seems to be, about granting more power to this place—sadly it never seems to be about reducing that power. Yes, the people who drafted our Constitution were all male. It was not a perfect process when judged by the standards of today, but it was the most democratic constitutional
convention, election, drafting and consent process the world has ever seen. It was remarkable in the late 19th century for there to have been universal male suffrage—with female suffrage in one colony and with, in some colonies, some of our Indigenous people having the right to vote in the referendum to form the Commonwealth.

Let us not blame the founding fathers for the actions of this parliament in 1902 in stripping away the right of Indigenous Australians to vote. I remind people again that, when they go out to a school and answer a question—saying that Australia in 1902 was the second country in the world to give women the vote—they should be honest and also say that that same act of this parliament took the vote away from Indigenous people. It was not a flaw in the Constitution; it was not an act of the founding fathers; it was an action of those elected to the First Parliament. That should be a reminder to us here that what we think might be the right thing on any given day may, with the turn of history, be seen very differently in the future. It is a good reminder to us to be a little bit humble when acting based on the attitudes of today.

Whether it is about the issue of a head of state, whether it is about the issue of the powers and forms of the Commonwealth, or whether it is about giving Indigenous Australians a special place in the Constitution, those proposing change have only ever been successful when they have had more than just bipartisanship. There have been plenty of bipartisan referenda that have failed. In 1967, on the same day that 91 per cent of Australians voted to give this parliament power over the affairs of Indigenous Australians and to delete section 127 of the Constitution, a technical amendment that would have weakened the power of the Senate—the so-called 'nexus' clause—was voted down. This was an amendment that had the support of both major parties. That happened on the same day, on the same ballot paper. It shows you the degree of engagement Australians have when they consider referendum proposals put forward by the Commonwealth. I say to those who, in this debate, have expressed concerns about our current constitutional arrangements: any change will only occur as a product of engagement with the Australian people and, thankfully—due to the referendum power—with their consent.

Too often the strengths and the historical achievements of our Federation process are forgotten. The other night when I was at the Victorian state parliament, I had the chance to read the charter of the Ballarat Reform League. The language of the Ballarat Reform League is quite amazing. It bears a remarkable resemblance to the language of the American colonists prior to 1776. It talks about a wish not to separate from the mother colony, it talks about the need for democracy and it talks about the need for regularly elected parliaments and universal—in this case male—suffrage. Those ideas from Gold Rush era Victoria eventually ended up incorporated into our Constitution. We invented the secret ballot at what is now a pub over the road from the Victorian state parliament. South Australia came up with a way to develop electoral rolls which much of the world now uses. Our process guaranteed a level of democratic involvement that is the envy of the world. It should not be impugned because people make judgements about the past.

As I often like to remind this chamber, there was indeed one Labor delegate at the last federal constitutional convention—and that Labor delegate voted no. The process of forming this country involved a debate amongst different strains of 19th century liberals and liberalism. That is the philosophy that formed this country. Not only does the bill we are dealing with today reflect the attitudes they had about guaranteeing parliamentary
sovereignty, but the fact we can have this debate—and we have constitutional debates at regular intervals—is a sign of how successful they were at ensuring that the people own our Constitution. It is our job to convince the people, not to lecture them.

Before I commend the bill to the Senate, I would like to correct a couple of comments made by earlier speakers in this debate. The reason our states have roles that are different from those of states and provinces in other Commonwealth countries is that in Australia we have a unique arrangement where the states have their own relationship with the Crown. That is unlike Canada in particular. There is a very good book on this by Anne Twomey—*The Chameleon Crown*. Senator Milne might like to read it. It reflects our history and it goes through the development of the Australia Act in 1986—and it highlights a very important constitutional principle. For federalists like myself, that principle means that, when things that I do not like are happening under a Labor government in my home state—and I am sure Senator Carr or Senator Milne could think of some examples—I still do not seek to interfere from here. I was not elected for that purpose. I suggest that those who criticise the fact that our states have autonomy and their own sovereignty ought to think more broadly. It is easier to follow that principle when people you agree with are in power; the hard bit is when you disagree with them.

Senator Milne also raised the issue of Scotland and the referendum there. As far as I am aware, the proponents of the yes vote in that campaign—who did not succeed in breaking up the union—made it very clear that they were going to maintain their links with the British monarchy. They were going to make it, effectively, a Scottish monarchy—in the same way that there is an Australian monarchy and a New Zealand monarchy. I thought it important to correct the record on that. The referendum in Scotland in fact had no relationship with whether or not Scotland was going to be a republic. It was about its arrangements as part of Great Britain—but maintaining its relationship with the monarchy. That said, I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

**The ACTING DEPUTY PRESIDENT (Senator Dastyari)** (13:29): 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 Ryan** (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:29): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

*Migration Amendment (Protection and Other Measures) Bill 2014*

In Committee

Debate resumed.
The CHAIRMAN (13:32): We are dealing with Australian Greens amendments (1), (3), (4) and (5) on sheet 7681. The question is that items 2, 4 to 10, section 91WA in item 11, and items 12 and 13 in schedule 1 stand as printed.

[The committee divided 13:36]

(The Chairman—Senator Marshall)

Ayes .................31
Noes .................10
Majority .............21

AYES

Bilyk, CL
Bushby, DC
Canavan, M.J.
Cash, MC
Collins, JMA
Fawcett, DJ
Lazarus, GP
Marshall, GM
McGrath, J
McLucas, J
Muir, R
Peris, N
Ruston, A (teller)
Singh, LM
Sterle, G
Williams, JR

Bullock, J.W.
Cameron, DN
Carr, KJ
Colbeck, R
Dastyari, S
Ketter, CR
Lines, S
Mason, B
McKenzie, B
Moore, CM
O’Neill, DM
Reynolds, L
Seselja, Z
Smith, D
Wang, Z

NOES

Di Natale, R
Ludlam, S
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

Hanson-Young, SC
Milne, C
Rice, J
Waters, LJ
Wright, PL

Question agreed to.

Senator HANSON-YOUNG (South Australia) (13:38): I move Australian Greens amendment (1) on sheet 7674:

(1) Schedule 1, item 11, page 6 (line 26) to page 7 (line 2), omit subsection 91WA(1), substitute:

(1) The Minister may refuse to grant a protection visa to an applicant for a protection visa if:

(a) either:

(i) the applicant provides a bogus document as evidence of the applicant’s identity, nationality or citizenship; or

(ii) the Minister is satisfied that the applicant has destroyed or disposed of documentary evidence of the applicant’s identity, nationality or citizenship, or has caused such documentary evidence to be destroyed or disposed of; and

(b) other grounds exist on which the Minister may refuse to grant the protection visa.
This amendment is in relation to removing the word 'must' and replacing it with 'may' in this section of the bill, where it says that the minister must make an adverse finding when somebody's documents are found to be false or there is not a good enough explanation. I just think it is a little bit dangerous, as always, to insist in the law, in the legislation itself, that the minister must do that. I think we need to build in a little more balance, a little more fairness, a little more ability for some rational thought. That would mean replacing the word 'must' with 'may'. It should not be controversial. The minister still gets to make that decision.

There are still the subsequent amendments, which I know have been discussed previously, throughout this debate, about the elements of whether people have to show that they have tried to explain why they do not have the right documentation, with a good explanation of why they do not have the right documentation or indeed evidence of why they do not have the right documentation. But to force the minister to have to make an adverse assessment of that really plays with the lives of people. As I outlined earlier, there are a variety of real reasons why people do not have the right documentation when they arrive on our shores or at our airports as asylum seekers. Getting out of your country often requires you to be smuggled out. That is the way it has been for generations, for hundreds of years. It is just the reality, unfortunately, for people who are seeking asylum. Ensuring that the minister 'may' instead of 'must' make an adverse finding just builds a little more fairness into the legislation.

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (13:41): The government will be opposing this amendment. The government's proposed section 91WA is needed to discourage the use of bogus identity documents and the destruction or discarding of documentary evidence of identity, nationality or citizenship by or on behalf of people seeking protection in Australia. This measure is appropriate to the central role that establishing identity, nationality or citizenship plays in the granting of a protection visa.

**The CHAIRMAN:** The question is that amendment (1) on sheet 7674 be agreed to.

The committee divided. [13:46]

(The Chairman—Senator Marshall)

Ayes .................12
Noes ..................28
Majority ...............16

**AYES**

Di Natale, R
Lazarus, GP
Milne, C
Rhiannon, L
Siewert, R (teller)
Whish-Wilson, PS

**NOES**

Bilyk, CL (teller)
Bushby, DC
Canavan, M.J.
Cash, MC

Bullock, J.W.
Cameron, DN
Carr, KJ
Colbeck, R

**CHASE**
Question negatived.

Senator HANSON-YOUNG (South Australia) (13:48): The Greens oppose item 11 of schedule 1 in the following terms:

(2) Schedule 1, item 11, page 7 (lines 15 to 27), section 91WB to be opposed.

This goes to the issue of family reunion. The Greens have for a long time been very concerned with the continuing trend under this government but also, admittedly, the previous government to make family reunion for asylum seekers and refugees in this country harder and harder. To be honest, it does not make an awful lot of sense. On one hand, the government argues that people should not take a disorderly migration route to get to Australia as a refugee and that they should come through an orderly process. Yet, over and over again the orderly process options through family reunion are getting harder and harder for people to access.

When family reunion was banned, we saw an increase in the number of women, children and unaccompanied minors arriving on boats. The only way that those young people, mothers, and wives could be reunited with their fathers, brothers and sons was to also get on a boat and come to Australia. It forces families to take the even more desperate measure of taking a dangerous journey or, as the government would say, a disorderly pathway to get to Australia. This bill is, again, another step in the plank of making family reunion even harder.

We know that the dangers often left behind for the families of people who flee as refugees and as asylum seekers are unthinkable. We know that many refugees who arrive in Australia will never be reunited with their families. Their families get targeted and their lives become even harder. The risk to them heightens because a family member has already fled. That is the problem with this piece of legislation: it puts the family members of those who have already arrived here in Australia at even more risk. Rather than finding a better way to help support them, to bring them to this country in an orderly process, to help families be reunited safely, part of this bill—this particular schedule—puts the lives of family members of asylum seekers at even more risk. We do not have to do that. There is no need to do that. It is just out of plain spite along the lines of the continued cruelty and uncertainty that is inflicted on asylum seekers as part of the regime of harsh policies by this government. I am disappointed to see that the Labor Party is in lockstep with the Abbott government on this.

Children, particularly unaccompanied children, are going to be put at higher risk because of the current amendment as drafted by the government, and that is why the Greens do not support it and that is why we are trying our best to fix it. We want to make sure we support
families being reunited safely and are not forcing unaccompanied minors into the hands of the people who torture them, who want to kill them or who force them to take an unnecessary and dangerous journey to get here when indeed we could be bringing them here safely ourselves.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (13:53): The government will not be supporting the Greens amendment. This measure is intended to prevent and discourage the use of the onshore component of Australia's humanitarian program as a means of family migration. There are avenues for family reunion, for the family of permanent protection visa holders, for example, spousal visas.

Section 91WB is intended to encourage family members of protection visa holders to follow the normal avenues of family migration and discourage them from arriving in Australia, particularly legally, in order to be granted a protection visa on the basis of being a family member of someone who already holds a visa.

The CHAIRMAN: The question is that section 91WB in item 11 of schedule 1 stand as printed.

The Senate divided. [13:58]

(The Chairman—Senator Marshall)

Ayes ......................42
Noes ......................10
Majority ...............32

AYES

Back, CJ
Birmingham, SJ
Bushby, DC
Canavan, M.J.
Cash, MC
Collins, JMA
Dastyari, S
Fawcett, DJ
Ketter, CR
Leyonhjelm, DE
Ludwig, JW
Marshall, GM
McGrath, J
McLucas, J
Nash, F
Peris, N
Reynolds, L
Ruston, A (teller)
Scullion, NG
Singh, LM
Urquhart, AE

Bilyk, CL
Bullock, J W.
Cameron, DN
Carr, KJ
Colbeck, R
Cormann, M
Edwards, S
Fifield, MP
Lazarus, GP
Lines, S
Macdonald, ID
Mason, B
McKenzie, B
Moore, CM
O'Neil, DM
Polley, H
Ronaldson, M
Ryan, SM
Seselja, Z
Smith, D
Wang, Z

NOES

Di Natale, R
Ludlam, S
Rhiannon, L

Hanson-Young, SC
Milne, C
Rice, J

CHAMBER
Question agreed.

The PRESIDENT (14:00): Order! The committee reports progress.

QUESTIONS WITHOUT NOTICE

Abbott Government

Senator STERLE (Western Australia) (14:01): My question is to Senator Abetz, representing the Prime Minister. I refer to reports that the Prime Minister has recently met with the leadership group and raised the possibility of a double dissolution election.

Senator Cash: You don't want that!

Senator Cameron: Roll out the disposable nappies for you lot!

Senator Wong: A double dissolution with Tony Abbott as leader!

The PRESIDENT: Order! Just a moment, Senator Sterle.

Honourable senators interjecting—

The PRESIDENT: On my right and my left! On both sides, or I will start naming senators!

Senator Conroy: Bring back Peter! Tony Abbott unplugged: it's a disaster!

The PRESIDENT: Order! Senator Sterle, would you like to commence your question again? We will start the clock again.

Senator STERLE: Thank you, Mr President. As I was about to say, through you, Mr President: was the minister present? And is the Prime Minister considering a double dissolution election?

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): Mr President, I can fully understand why Senator Sterle is so exercised about this issue, given that the Labor Party struggled to get one Labor senator elected at the last Senate election!

Of course, if there were a double dissolution our friend, Senator Sterle, may well be struggling to come back. And, given my great friendship—

Senator Jacinta Collins: No, no! He wants one!

Opposition senators interjecting—

Senator Kim Carr: Sean says, 'Bring it on!'

The PRESIDENT: Pause the clock! Minister, just a moment.

Senator Conroy: Yes—Sean Edwards says, 'Bring it on!'

The PRESIDENT: Order! Senator Conroy!

Honourable senators interjecting—

The PRESIDENT: Both sides! Senator Bilyk and Senator Collins!
Senator ABETZ: And, Mr President, given my genuine affection for Senator Sterle, and not wanting him to be displaced from this place, I can assure him that I will do everything I can to ensure that this Senate does the right thing by legislation so that the situation for a double dissolution is completely and utterly academic.

I am genuinely concerned for the future of Senator Sterle. And in relation to things that may or may not be discussed at leadership, my—

The PRESIDENT: Pause the clock! Senator Cameron—a point of order?

Senator Cameron: Yes, Mr President. My point of order is on relevance—

Honourable senators interjecting—

The PRESIDENT: Just a moment, Senator Cameron.

Senator Conroy: It's not far to Yarralumla in the car—

The PRESIDENT: Senator Conroy!

Senator Cameron: My point of order is on relevance. The key issue that was asked was: was Senator Abetz present in a discussion on a double dissolution?

The PRESIDENT: Thank you, Senator Cameron. I think you rose to your feet as the minister was answering that particular aspect. Minister—have you concluded your answer?

Senator Abetz: Yes, Mr President.

Senator STERLE (Western Australia) (14:05): Mr President, I ask a supplementary question. I refer to observations by a cabinet minister, who said:

'We would need to be on crack to go to a double dissolution…'

And the Minister for Agriculture said—through you, Mr President:

'We'll have someone from the Bully Bushwacker party and they'll end up having three seats and we will go mad.

Does the minister share these views, or is he in the Prime Minister's camp?

Senator Williams: Leave me out of it!

Senator Birmingham: We've already got 'Wacka'!

Senator Kim Carr: The National Party is at it again!

The PRESIDENT: Order! Just a moment, Minister. Order on both sides! You are eating into your own question time.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:05): Sometimes I think you have to be on crack to read the gossip columns and then take them seriously, like Senator Sterle does, to regurgitate them in this place!

I do not intend to use my days and hours reading these gossip columns. They are simply of no interest to me. What that question shows, yet again, is that the Australian Labor Party and its senators—fond as I am of Senator Sterle—dedicate themselves not to policy and a new direction for our country but on reading gossip columns and then thinking they can construct clever questions around—

The PRESIDENT: Pause the clock! Senator Moore—a point of order?
Senator Moore: Yes, Mr President, on direct relevance. The minister has been talking around the question. The question was particularly about the double dissolution question. He has—

Senator Abetz: Oh, come on!

Senator Moore: Yes it was, Minister.

The PRESIDENT: Order! No argument across the table. You are directing your comments to me, Senator Moore.

The PRESIDENT: Mr President, the question itself was around the double dissolution election. The rest was argument.

The PRESIDENT: Senator Sterle asked a question which I think, in all assessments, has an element where the minister has been answering directly to the question. He raised some direct quotes out of the media. The minister has been responding to those direct quotes out of the media.

Senator ABETZ: Allow me to repeat: we, as a government, are determined to concentrate on the policy issues facing this country to reduce the cost of living for Australians and to create as many jobs as possible. Whilst we are doing that, the Labor Party reads gossip columns and asks questions about them.

Senator STERLE (Western Australia) (14:07): Mr President, I ask a further supplementary question. I refer to comments from another minister, who said:

Given his increasing desperation, there could be a rush to the governor-general. Will a double dissolution election be the next captain's call?

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 repeat: I can understand why Senator Sterle is so excited about the possibility of a Senate election, because I daresay he and some of his colleagues may well be in for the high jump. I say to the honourable senator that I will seek to do everything I can to protect him from that fate by ensuring that we have a good, working, orderly parliament. I would invite him and his colleagues, like we are doing on this side, to concentrate on the issues facing this nation and to deal with the issues of cost of living and with the issues of job creation. That is rather than worrying about unnamed sources in gossip columns in the newspapers of our country.

Workplace Relations

Senator McKENZIE (Victoria) (14:09): My question is to the Minister for Employment, Senator Abetz. I refer to the report in today's Financial Review about Tuesday's Federal Court decision against the CFMEU and officials, including John Setka, Shaun Reardon and Craig Johnston in relation to the Grocon dispute that shut down parts of Melbourne CBD in 2012. Will the minister inform the Senate about the details of this case and the Federal Court's findings about the use of violence and threats of violence by CFMEU officials?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:09): This week, the Federal Court found that the CFMEU and its officials had acted unlawfully during the Grocon blockade of 2012. Justice Tracey's judgement describes a most disturbing incident in which Victorian CFMEU secretary John Setka and three others shoved security firm manager
Mr Smith into a Melbourne alleyway and proceeded to assault him both physically and verbally. The court's decision describes Setka's acts of violence: 'pinned him to the wall', 'hurled abuse at him', 'knocked his helmet from his head' and 'took turns to ram him into the wall'. When Mr Smith protested that he was being held against his will, Setka threatened that he would, 'Shut him up permanently.'

In a separate incident, Setka abused a Grocon worker. He punched the windscreen of the van he was driving, told him to remember his face because he would come after him and told him that he hoped he would die from cancer. The worker was actually suffering from cancer at the time. Workers who wanted to actually get to work had to be bussed in, given a special path in with the protection of police fencing and given special duties to hide from the verbal assaults hurled at them by the union protesters, calling them scabs, dogs, rats and worse, and hurling threats including, 'You will die. You're going to cop it. I'm going to kill your family.'

When police attempted to escort workers on the site, union crowds blocked and punched their horses, egged on by John Setka, Sean Reardon and Craig Johnston. These are the acts of violence that unfolded in Melbourne in 2012. What have we heard from the Australian Labor Party and the Australian Greens in response? Absolutely nothing. Their silence tells us everything we need to know.

**Senator McKenzie** (Victoria) (14:11): Mr President, I ask a supplementary question. Will the minister inform the Senate whether other CFMEU officials have in the past condemned this kind of violence and thuggery?

**Senator Abetz** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:11): In fact, the exact opposite has occurred. Yesterday, we heard about Craig Johnston's balaclava rampage through a Melbourne office, which left the employees, including a woman who was five months pregnant, distressed and cowering in fear.

Following this act of thuggery, a number of high-profile members of the union movement actually defended Craig Johnston. After he was sentenced to jail, a group of union leaders created a Craig Johnston trade union support committee and issued a statement calling for Johnston's release, claiming that he was:

... only doing his job as a union organiser. We will be waiting there at the gates when he comes out.

One of the members of that committee was none other than Dave Noonan of the CFMEU. Even after Craig Johnston engaged in vicious acts of thuggery and intimidation towards women in their workplace and he was imprisoned, Dave Noonan stood by him. *(Time expired)*

**Senator McKenzie** (Victoria) (14:13): Mr President, I ask a further supplementary question. Will the minister inform the Senate of any efforts by the CFMEU to deal with violence and abuse and of whether these efforts have been or are likely to be effective?

**Senator Abetz** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:13): My attention in recent times has been drawn to a CFMEU press release from October 2013. It reads:

Real men don't abuse women.

In it, CFMEU official Dave Noonan is quoted as saying:
… more of us need to speak out and stop the silence around this issue

Unfortunately, Mr Noonan does not apply this standard to his own male comrades. Last year, when one of his officials, Luke Collier, hurled four letter words of abuse at a female inspector, what did Mr Noonan do? Did he speak out and stop the silence around the issue? No, he did the exact opposite. He issued a press release saying that swearing on building sites is nothing new.

That is the level to which the CFMEU has sunk. I say to Dave Noonan: I agree, real men do not abuse women. I also say to Mr Noonan that real men do not defend men who abuse women.

Prime Minister

Senator DASTYARI (New South Wales) (14:14): My question is the minister representing the Prime Minister, Senator Abetz. I refer to the Prime Minister's repeated comments before the election that Australia was facing 'a budget emergency' with net debt forecast at 13 per cent of GDP. I also refer to comments yesterday by Mr Abbott, who said: … a ratio of debt to GDP at about 50 or 60 per cent is a pretty good result looking around the world.

Minister, when did the Prime Minister mislead the Australian people—before the election or after it?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:15): The Prime Minister did not mislead the Australian people on either occasion. The very simple fact is that, before the election, we had a profligate government that oversaw, with the assistance of the failed finance minister sitting opposite me, the wrecking of this country's future by ensuring that we were on an unsustainable trajectory into debt and deficit, which would have hung like a millstone around the neck of the next generation. We promised the Australian people that we would fix that. Despite that promise to fix it, along with the Australian Labor Party—who, on a road-to-Damascus-type conversion, promised that they would introduce $5 billion worth of their own savings, then voted against it when the new parliament resumed—we as a government have sought to do the right thing by the next generation of Australians, to bring the debt trajectory into a sustainable pattern.

Why are we doing that? Because we want to see for the future that we have a national disability insurance scheme that is affordable, that we have a pension scheme that is affordable and that we have a health system that is affordable. Whilst we are continuing to pay over $1,000 million a month just on interest—

Senator Wong: It's going up under you.

Senator ABETZ: on the debts incurred by Senator Wong and her colleagues, those sorts of projects and programs of disability insurance, of health and of education become unsustainable. That is why it is so vitally important that we as a nation get our economic parameters back into shape. Not to do so prejudices the future of important social programs like disability insurance schemes. (Time expired)

Senator DASTYARI (New South Wales) (14:17): Mr President, I ask a supplementary question. Minister, is Australia's leading business newspaper, The Australian Financial Review, correct when it says on this morning's front page 'Tony Abbott loses the plot on debt'? Is it any wonder that business confidence has collapsed to zero since the budget?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:17): I am not going to use question time to try to advertise for The Australian Financial Review, as Senator Dastyari just has. But, when it comes to matters financial and public disclosure, I do not think Senator Dastyari is in a very strong position to seek to lecture us. What I would say—

The PRESIDENT: Pause the clock.

Senator Dastyari: Mr President, I rise on a point of order. I would ask that the minister retract that statement.

The PRESIDENT: I am not aware of a statement that the minister has used that I would regard as unparliamentary.

Senator ABETZ: If the hat fits, wear it, Brother.

Senator Wong: Mr President, I rise on a point of order. The minister just said: 'If the hat fits, wear it, Brother.'

The PRESIDENT: No, we are not talking about that. That was an interjection.

Senator Wong: I am putting that on the record, because it makes clear the imputation about financial irregularity—

The PRESIDENT: What is your point of order, Senator Wong?

Senator Dastyari: The minister should withdraw. There was clearly an imputation. I am asking you to ask the minister to withdraw.

The PRESIDENT: That was an interjection. The first point of order was Senator Dastyari asking the minister to withdraw, and I am at a loss to understand what the minister needs to withdraw.

Senator Dastyari: Mr President, there was a clear inference and imputation to my character. I understand meanings that have been held to be a personal reflection. From statements that you have made to us privately and publicly about raising the standard in this place, I do not think that was an appropriate part of the discussion.

The PRESIDENT: Thank you, Senator Dastyari. I will invite the minister to continue, and I will invite the minister, if he deems it necessary, to withdraw any statement he made.

Senator ABETZ: I am not sure that anything that I said could be taken as offensive, unless there were certain other matters at play in the honourable senator's conscience. Given that, I will withdraw—for the benefit of his conscience.

Senator Wong: Mr President, I rise on a point of order. That should be withdrawn.

An honourable senator: That's what lawyers call a guilty denial of truth.

Senator ABETZ: Yes, a guilty conscience.

Senator Wong: And that should be withdrawn.

Senator ABETZ: What?

Senator Wong: 'Guilty conscience' in the context of that withdrawal—that should be withdrawn, too.

The PRESIDENT: I will ask the minister if he would assist and withdraw that comment. I will review the vision and the sound of the last question and come back to the chamber if I
need to. Minister, if you wish to withdraw that last remark, that would assist. I invite you to complete your answer.

Senator ABETZ: To assist the laughing senator opposite, I will withdraw. That is how seriously he took the matter.

The PRESIDENT: Thank you, Minister.

Senator ABETZ: Let us just get all that on the record. This is the immaturity of the Australian Labor Party—a Labor Party that will not deal with the real issues of the country. To say that the Prime Minister has lost the plot in relation to debt is— (Time expired)

Senator DASTYARI (New South Wales) (14:21): Mr President, I ask a further supplementary question. I refer to Mr Abbott's comments yesterday that the government has got 'nearly 80 per cent of our budget measures through the Senate'. I also refer to Mr Abbott's description of the Senate as 'feral' and the Acting Leader of the Government in the Senate's claim yesterday that the Senate is a 'house of refusal'. Minister, which of these statements is correct?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:21): The Prime Minister is, as I understand it, completely correct when he says that about 80 per cent of our budget measures have passed the Senate. I also understand that my good friend and colleague, who I understand did an exceptionally good job in my absence yesterday, said that this was a house of review. And, of course, I would agree with him, and I think that is what our Constitution and our forefathers had in mind in relation to this place.

The PRESIDENT: Pause the clock.

Senator Dastyari: Mr President, I raise a point of order on relevance. I think the minister did not hear the comment, the quote, because the quote was 'house of refusal'. It was the 'house of refusal', not the house of review.

The PRESIDENT: I can confirm that that is what Senator Dastyari had in his question, but the minister was still answering the question.

Senator ABETZ: Mr President, Senator Dastyari yet again unwittingly makes my point—but I will not withdraw on this occasion. What Senator Brandis said to the Senate was that this is a house of review—a house of review, not a house of refusal—and I would have thought that everybody around this chamber might actually agree with that, which is so self-evident. Can I simply say that the Australian Labor Party has been escaping for too long— (Time expired)

Indigenous Advancement Strategy

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:23): My question is to the Minister for Indigenous Affairs, Senator Scullion. The Indigenous Advancement Strategy funding contracts have now been offered to organisations around Australia. Despite the promise not to cut front-line services, many youth services in Central Australia have not been re-funded or have had their funding seriously cut back, with the loss of at least 30 jobs. Was this an oversight? Can the minister reassure the Senate that these programs will be reviewed and that they will be allocated funding for youth services in Central Australia,
particularly the MacDonnell Regional Council youth services and the Barkly Regional Council youth services?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:23): I can say with some confidence that the ones that you refer to in Central Australia—which were in the media, I think, about a week ago. I have always said that we would ensure that there are no gaps in services. On those services that you referred to a week ago: all those services were told last Friday that the funding that they had to run those particular youth services in the past would be maintained. I am surprised that you have not heard about that, Senator. As I have said, we left enough time between now and 30 June to ensure that any cuts to front-line services or perceived cuts in front-line services were remediated, and that has been done.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:24): Mr President, I ask a supplementary question. Can the minister confirm that they will receive their funding allocation plus indexation? How can the minister be sure that this oversight is the only oversight in this funding process? What steps are you taking to guarantee this, and when will you release a full list of the programs with details of funding?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:25): I cannot guarantee that that will be the only error out of 4,948 applications. Sometimes an application does not provide the advice for those nuances, so we will go back and seek other advice about some of those decisions. That is exactly what we are doing. But we have the time to do that because the funding ceases on 30 June, so we are actually doing that at the moment. So, no, I cannot guarantee that, but I can absolutely guarantee by 30 June—and we are down now to a small handful of negotiations. As I have said, sometimes it is a bit difficult to deal with it because the first time I hear about it is when somebody speaks to the ABC. I have indicated, 'Look, if you think the ABC can help you with that, that's terrific, but you're better off actually ringing my office,' and I will be much better placed to help them out.

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:25): Mr President, I ask a further supplementary question. What other funding programs and projects has the government identified or has the minister identified to date that have not received funding but that currently receive funding?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:26): I will probably be in a better position when we have finished the negotiations. There is not a large number of organisations, possibly under a dozen, but we are in negotiation with them at the moment.

Senator Siewert: What are they?

Senator SCULLION: I am not prepared to speak about those organisations until those negotiations have been finished. Within two weeks of each of the final contracts being signed, they will be up on the website. I think that is quite reasonable. I know that those organisations would not wish me to identify them until such time as the negotiations have been completed. As I said, we are being completely transparent about this. When the contract has been signed, it will be up on the website.
Defence Procurement

Senator GALLACHER (South Australia) (14:26): My question is to the Minister representing the Minister for Defence, Senator Brandis. I refer the minister to a letter from the Swedish government to the Defence Materiel Organisation that rejects the Prime Minister's decision to exclude Sweden from Australia's Future Submarine project, saying it is based on inadequate information. I quote:

At no stage has DMO requested a detailed briefing about the scope and complexity of the programs recently undertaken by Saab Kockums …

Is this correct?

Senator Abetz interjecting—

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:27): Yes, I rather thought that your interest was in South Australia, not in Sweden, Senator Gallacher, but there you go. I am not familiar with the letter to which you refer, but I can inform you, Senator—I can refer honourable senators—that the government has, under the competitive evaluation process, very clear criteria for the selection of the construction of Australia's next submarine. That is a project that you would know, Senator Gallacher—although I am sure you would not admit—was neglected and placed in the too-hard basket for six years—

Senator Kim Carr: Rubbish!

The PRESIDENT: On my left!

Senator BRANDIS: from the first day of the Labor government to the last, through consecutive defence ministers, consecutive industry ministers—including you, Senator Carr. It was put in the too-hard basket from the first day to the last.

Nevertheless, Senator Gallacher, this is what the government is looking for. We are looking for a project which will serve the Australian national interest and Australia's needs. We are looking for appropriate range and endurance. We are looking for sensor performance and stealth characteristics that are superior to the Collins class submarine. We are looking for a combat system and heavyweight torpedo jointly developed between the United States and Australia as the preferred combat system and main armament. The government's acquisition strategy, Senator Gallacher, for the Future Submarine is based on a competitive evaluation process, as I said, which provides a pathway for Australian industry to maximise its involvement in the program while not compromising capability, cost, schedule or risk. And that is what we are going to deliver, Senator Gallacher. That is what we are going to deliver. We are going to put the best interest of Australia first, and we are not going to avoid the decision as the Labor government avoided the decision for six years.

Senator GALLACHER (South Australia) (14:29): Mr President, I ask a supplementary question, I again refer to the letter from the Swedish government, which states:

We note with regret that not one of the delegations visiting Sweden has had the expertise necessary for either technical or industrial analysis.

Why has the government excluded Sweden from the Future Submarine project based on limited and inadequate information?
Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:30): I am bound to say, Senator Gallacher, that, unlike your party, we are actually going to build a submarine. For the six years your party was in power you allowed a capability gap to develop, which has—

Senator Moore: Mr President, I rise on a point of order on direct relevance to the question. The question was clearly about the decision to not include Sweden in the process. That was the only issue in the question.

The PRESIDENT: I inform the minister that he has 44 seconds left in which to answer the question, and I remind him of the question.

Senator BRANDIS: Senator Gallacher, no final decision has been made in relation to this matter. But I can assure you that when an international partner is chosen to partner with Australian industry to build the next generation Australian submarine it will be the international partner which is best placed to meet the criteria which the government has specified. That international partner will be chosen through the competitive evaluation process that we have been explaining to you for some weeks now, and Australia's national interest will be the first and last consideration.

Senator GALLACHER (South Australia) (14:32): Mr President, my final supplementary question is to the Attorney-General. On the day that Sweden was excluded from the government's competitive evaluation process it was reported that Sweden could build 12 submarines in Adelaide at a competitive cost to taxpayers. Is the exclusion of Sweden the result of the captain's pick to send Australia's submarine build overseas?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:32): Senator Gallacher, there are so many false premises in your question I do not know where to begin. We need an international partner to partner with Australian industry in constructing the next generation submarine. One of the reasons we need an international partner is that our capability was so degraded by the neglect for six years, the entirety of the previous Labor government's term, of the next generation submarine—

Senator Conroy: They went around the table and you said yes to Japan.

Senator BRANDIS: I am sorry, Mr President; I cannot hear myself for Senator Conroy's braying.

The PRESIDENT: I concur. Senator Conroy, please cease interjecting.

Senator BRANDIS: I am advised that Sweden is in the process of reconstituting its submarine industry, but the last full submarine design and build program delivered in Sweden concluded in 1996-97.

Telecommunications Data Retention

Senator XENOPHON (South Australia) (14:33): My question is to the Attorney-General. Why won't the government allow, in the context of seeking journalist information warrants, the right for potentially affected media organisations and journalists to make submissions to the authority considering the issue of such warrants? Will the government vetted public interest advocates not be constrained in their ability to argue on behalf of media organisations
because they will be banned from receiving instructions from affected journalists as to how to best deal with confidential material? Further, will these advocates have access to a searchable database of previous secret judgements for such or similar applications? Won't these applicants be flying blind in arguing a case on behalf of media organisations?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:34): Thank you very much indeed, Senator Xenophon, for your question. I inform Senator Xenophon and other members of the chamber that the Telecommunications (Interception and Access) Amendment (Data Retention) Bill passed the House of Representatives shortly before question time. That is a great achievement, I must say. It is a great achievement because it will—assuming its passage through the Senate with the support of the opposition, which has been offered to the government—make Australians more secure. It will enhance the capacity of our crime-fighting agencies to fight crime. It will enhance the capacity of our national security agencies to deal with the menace of terrorism.

Coming directly to the question, one of the government amendments that was moved in the House of Representatives was, as Senator Xenophon referred to, for the creation of the Office of the Public Interest Advocate. That is in what will be section 180X of the Telecommunications (Interception and Access) Act. Under the terms of that provision, the Prime Minister is to appoint a person or persons as the Public Interest Advocate. That person may make submissions to the minister about matters relevant to a decision to issue or to refuse to issue a journalist information warrant or a decision about the conditions or restrictions, if any are specified, in such a warrant.

That is the way this works, Senator Xenophon. We have never accepted that the bill produced on 27 February in the form in which it emerged from the second PJCIS inquiry with 39 recommendations needed any further amendment. But to make doubly sure the government agreed to make special provisions for warranted access to protect journalists' sources.

Senator XENOPHON (South Australia) (14:36): Mr President, I ask a supplementary question. I would be grateful if the Attorney could answer the issue on the searchable database and the constraint on the public advocate. Why is the government rejecting the approach adopted for the last two years by our closest ally, the United States, in such matters, where media organisations and journalists as a general rule are given advance notice and an opportunity to directly argue issues of vital public interest before their metadata is accessed by authorities rather than being left in the dark, as is proposed by the government?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:37): Senator Xenophon, the creation of the public interest advocate is a new office. It is a new level of protection in the architecture of this scheme. In relation to the second part of your question—and thank you for the courtesy of the advanced notice—I have taken some advice about the proposition that you advance: that the issue of warrants in the United States is contestable. I am advised that the proposition you put forward is incorrect. In fact, in the United States they are transitioning from one system to a different system but at the moment metadata is held by an agency; it is not retained by telecommunications companies. But when an application is
made to their Attorney-General—I am told it is not called a warrant in the United States—there is no contestability at that stage.

Senator XENOPHON (South Australia) (14:38): Mr President, I ask a further supplementary question. I did not actually say 'warrant' for the US. Given the Attorney's enormous regard and respect for former director-general of ASIO David Irvine, does he agree with Mr Irvine's recently expressed concerns over metadata stored in a cloud-based system that it was preferable:

... the cloud hovered over Sydney or Melbourne rather than Shanghai or Bangalore, where it was governed by someone else's sovereign legislative system.

What guarantee can the government give that metadata storage will be in Australia rather than Shanghai, Bangalore or somewhere else overseas?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:38): It is certainly true to say that I have a great deal of respect for Mr Irvine, the former Director-General of Security. Until his retirement last September, I worked with him very closely on almost a daily basis in relation to a range of national security matters, and I have had many, many, many conversations over the years with Mr Irvine about the issue of metadata. In fact, it was in the last parliament that I think it would be fair to say that Mr Irvine was the principal advocate, before the Parliamentary Joint Committee on Intelligence and Security, for the establishment of a metadata retention regime. When this bill passes the Senate next week, as I expect it will—

Senator Xenophon interjecting—

The PRESIDENT: Pause the clock.

Senator Xenophon: Mr President, I raise a point of order. It is one of relevance, with 15 seconds remaining. My question is about concerns expressed by Mr Irvine about Australian metadata being stored overseas.

The PRESIDENT: Attorney-General, I remind you that you have 15 seconds left.

Senator BRANDIS: That was prologue, Senator Xenophon. In fact, there has been a lot of misunderstanding about what Mr Irvine said. Mr Irvine does not believe in a prohibition on offshoring and the views that have been attributed to him to suggest that he does are wrong.

Great Barrier Reef

Senator IAN MACDONALD (Queensland) (14:39): My question is to Senator Birmingham, representing the Minister for the Environment. It relates to that wonderful natural asset we have in Australia that has been so well managed and protected by coalition governments since John Gorton's time. Will the minister update the Senate on what the Abbott government has been doing to protect our Great Barrier Reef, and what progress has been made?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:40): I thank Senator Ian Macdonald for that question, because no senator in this place has for longer and with greater diligence and determination fought for the protection of the Great Barrier Reef than Senator Ian Macdonald. Not quite since the days of the Gorton government, but certainly for a very long period of time has Senator Ian Macdonald come to
this Senate and championed the cause of protection of the Great Barrier Reef. It is entirely appropriate that he should be asking this question about the next great protection that a coalition government is putting in place to protect the Great Barrier Reef. This week the Minister for the Environment, Mr Hunt, released the details around our plan to ban capital dredge material disposal within the Great Barrier Reef Marine Park. This is a significant step forward and a significant step taken by those on this side of the chamber, and for all of the interjections from Senator Singh or others on the other side, they never chose to take this action.

We are delivering on our commitment to end what has been a century old practice of capital dredge material disposal. Our plan will provide for a complete ban on capital dredge disposal in the entire area of the Great Barrier Reef Marine Park. There will be zero capital disposal anywhere in the entire 345,000 square kilometre marine park area, which covers the full area of Commonwealth legislative control. Further, the Queensland government is committed to providing cover for an additional 3,000 square kilometres, including existing port areas that are not held in the marine park. This is a great step forward by a coalition government building on a long track record of protecting this great natural asset. (Time expired)

Senator IAN MACDONALD (Queensland) (14:42): Mr President, I ask a supplementary question. I thank the minister for his answer and particularly for the advice about banning capital dredge spoil in the Great Barrier Reef area. Could I ask the minister to explain the significance of the decision to ban the capital dredge spoil?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:43): Contrary to some of the interjections from those opposite that we heard before, this is very significant because the combination of the Commonwealth act, in conjunction with the Queensland act, will provide coverage for 100 per cent of the World Heritage area. It will ensure that we have total coverage in terms of the ban on capital dredge material disposal. As Senator Colbeck rightly points out, they got that point wrong as well in their interjections. It does ensure that the World Heritage area is covered through the regulations this government will put in place. Of course, in contrast, when we came into government, we inherited five major proposals that the Labor government was considering to dispose of dredge spoil in the marine park. We have reduced this to zero and we are no putting in place this ban to ensure that never again can an irresponsible Labor government consider undertaking such actions. (Time expired)

Senator IAN MACDONALD (Queensland) (14:44): Mr President, I ask a further supplementary question. Well done, Minister. Could the minister tell the Senate of any additional on-ground practical measures the government will be taking to improve water quality and reduce run-off into the Great Barrier Reef area?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:44): I can inform Senator Macdonald and the Senate that this is part of a comprehensive suite of actions that this government is taking to ensure the protection of the Great Barrier Reef Marine Park not just now but well into the future for all future generations.

Alongside the Queensland government, we are investing $2 billion over the next decade for the protection of the Great Barrier Reef. We have dedicated $40 million to a reef trust to invest in water quality, biodiversity and ecosystem health. We are working directly with
farmers to help them in the reef with an innovative market-based mechanism offering financial incentives, to cane farmers in particular, to improve nitrogen-use efficiency through the Reef Trust Tender—Wet Tropics program. More than 325,000 crown-of-thorns starfish have been culled through a $10 million investment in a targeted cull program. We have passed laws to triple the penalties applying to turtle and dugong poaching and are providing $700,000 to help reduce marine debris. (Time expired)

Road Infrastructure

Senator RICE (Victoria) (14:45): My question is to the Minister representing the Minister for Infrastructure and Regional Development, Senator Cash. Given the $3 billion of federal contribution currently committed to the East West Link project, a massive, polluting road which Victorians rejected, my question is: regarding the evidence we now have that the contracted consortium wrote their own side letter ensuring exorbitant compensation if the new government sensibly did not build it, was the government aware that the secret side letter had been drafted by the consortium and signed off by the then Victorian government? Was it perhaps mentioned at a meeting of the steering committee for East West Link that the federal government was represented on? If so, did the federal government approve?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:46): Can I say 'thank you' to Senator Rice for the question. Senator Rice, the only infrastructure you—I was actually going to say 'those opposite' but I will include the Australian Greens in it—are interested in building is roadblocks. That is all you are interested in. The East West Link is a good project. It is a project that is going to create jobs for Victorians. That is what this government is all about. This government is into job creation. As the leader of the government has correctly said, 6,000 jobs, and you watch—

Senator Milne: Mr President, I raise a point of order on relevance. The minister was specifically asked about whether the federal government knew the letter was written by the proponents and did the federal government know about it.

The PRESIDENT: I will remind the minister of the question. The minister has one minute and 16 seconds in which to answer.

Senator CASH: Apart from the 6,000 jobs that clearly those opposite, including Senator Rice, do not want to create, this takes incompetence by Labor state governments to a whole new level. It is the only government in Australia that actually wants to pay in excess of $1 billion not to build a road. If I thought those opposite were incompetent, the new Premier of Victoria is taking a leaf out of the book of the good Senator Wong's book.

Senator Rice: Mr President, a point of order on relevance: my question was directly related to the existence of a secret side letter and whether the government had been aware that it was drafted by the consortium.

The PRESIDENT: Senator Cash, I remind you of the question and indicate that you have 37 seconds in which to answer the question.

Senator CASH: I thought the question was in relation to the East West Link, which this government actually supports. I also have to say that I thought Mr Shorten, at one stage, backed it. But then he seemed to do another backflip, and nobody seems to know any more what is actually going on apart—
**Senator Di Natale:** Mr President, a point of order on relevance: on two occasions the minister has been drawn to the question, and she is refusing to answer it. You have drawn her attention to the question on two previous occasions. I ask you to do it for a third time. It seems that the minister is not prepared to answer this question.

**The PRESIDENT:** I do remind the minister of the question and I inform the minister that she has 21 seconds in which to answer the question.

**Senator CASH:** I think we just witnessed some preselection jostling within the Australian Greens. Clearly, Senator Di Natale wishes that he had been given that question.

**The PRESIDENT:** Minister, I draw you back to the question.

**Senator CASH:** As I said, in relation to this project, this is a government that leaves in building jobs, creating jobs for Australia, and building the infrastructure of tomorrow. It is just a little bit of a shame that the Australian Greens will not get on board. *(Time expired)*

**Senator RICE (Victoria) (14:50):** Mr President, I ask a supplementary question. Given the minister was not willing to answer the question, in more general terms does the minister believe that it is good practice to booby trap major infrastructure projects for incoming governments by making deals like this with big business?

**Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:50):** Let me tell you what I do believe. I believe it is good practice to deliver projects that are going to create 6,000 jobs for Victorians, and I do not consider it good practice for a government to pay in excess of $1 billion of taxpayers' money not to build a road. This government has a very, very clear message for the Victorian Labor government, and it is a very simple one: build the road.

**Senator RICE (Victoria) (14:51):** Mr President, I ask a further supplementary question. WestConnex is another massive, polluting tollway that residents do not want, with many of the hallmarks of the east-west tollroad. Residents do not want it and it will not fix congestion. Given the lessons learnt in Victoria, why is the government continuing to commit billions of federal taxpayer dollars? Is this part of what the *Australian* newspaper asserts with the headline: 'Perhaps the PM just isn't any good at politics'?

**Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:51):** In relation to WestConnex, can I just say what the benefits to the people of New South Wales are going to be, because, again, this is an example of good infrastructure. It is expected to deliver $20 billion worth of economic benefit to the people of New South Wales—$20 billion. It is expected to boost local economies. It is expected to improve travel times. It is expected to create 10,000 jobs. Senator Rice, what are you opposed to—the creation of jobs? Is that what you are opposed to? Are you opposed to better transport? Are you opposed to building the infrastructure that is going to ensure that Australians today and tomorrow are able to travel in an efficient manner?

**Senator Colbeck interjecting—**

**Senator CASH:** As Senator Colbeck says: you are actually opposed to development! *(Time expired)*
Indigenous Affairs

Senator PERIS (Northern Territory) (14:53): My question is to the Minister for Indigenous Affairs, Senator Scullion. Is Ms Wendy Morton, CEO of the Northern Territory Council of Social Service, correct when she says that the minister's cuts to Indigenous programs mean:

We'll have more people in our hospitals. We'll have less children going to school, less people in employment.

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:53): No, she is not correct in that, because I am not cutting front-line services. We have had much about this in the media, and many groans from the other side. It is a great opportunity in question time to provide me with a quote not from some particularly eminent individual but from a service that is actually going to be cut, from a service that actually has a problem. I make no apology for the difficulty of some of these discussions. We seem to focus very much on the organisations. What I am focusing on is our joint constituency of Aboriginal and Islander people who receive those services. This is an opportunity to have a fair-dinkum discussion with all of these organisations to ensure that we have the outcomes that our First Australians deserve.

Senator PERIS (Northern Territory) (14:54): Mr President, I ask a supplementary question. Minister, for a service that has been cut, I refer to the MacDonnell Regional Council President, Mr Sid Anderson, who says that his council in the Northern Territory will have to sack 51 Indigenous people as a result of the minister's cuts to Indigenous programs. Does the minister take responsibility for this outcome?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:54): I do take responsibility for having a conversation with Sid Anderson's organisation about repairing it, telling them on Friday last that those holes had been completely filled. Now, I am sorry if the connectivity between those opposite and the shire that Mr Anderson represents is not as swift as mine, but he has obviously communicated to the senator that they were bit upset by that. But that has been completely repaired.

Senator PERIS (Northern Territory) (14:55): Mr President, I ask a further supplementary question. I refer to the organisation Amity, which provides counselling services for people with drug and alcohol problems in the Northern Territory, which will lose four staff and the ability to deliver front-line services to 300 people as a result of the minister's funding cuts. Does the minister stand by his claim that the government's cut of half a billion dollars to Indigenous affairs would not have an impact on front-line services?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:55): Amity is, I suppose, in the demographic of the many organisations that thought, reasonably, they would hedge their bets. They are currently funded under the Health portfolio. They will currently have an application under the Health portfolio to continue their funding. Amity are a good organisation; I expect that funding to be continued. They then applied—hoping to hedge their bets—to be funded under the IAS. I have said to them, 'You're currently funded through a different funding stream, under the Department of Health, and they should consider you properly for funding that will be announced before 30 June.' I have been very clear with Amity that that is the case.
So the simple answer to the question is that they have applied under the wrong stream. They know and are aware that their funding stream is under the Department of Health and will continue to be under the Department of Health, not in the discretionary grants stream under the Indigenous Advancement Strategy.

Veterans

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:56): Mr President, on indulgence—I welcome to the Senate the fine young men from the Toowoomba Grammar School in Queensland, including my grandson.

My question is to the Minister for Veterans’ Affairs, Senator Ronaldson. Will the minister advise the Senate how technology developed by the government is assisting veterans to tackle the challenges of mental health?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:57): I thank the honourable senator for his question and acknowledge his grandson's presence. You must be very proud—well done.

This weekend, right across Australia, all Australians will have the opportunity to welcome home those who served in Operation Slipper. There will be troop marches throughout the nation. I encourage all Australians to attend and support those men and women who were engaged in Operation Slipper. Many of those men and women may require now, or sometime in the future, assistance to deal with anxiety, stress or other mental health conditions. I have said to this chamber before that veterans' mental health is a matter of great personal importance to me and also to the government. I am therefore delighted today to launch a new smartphone app, called High Res, which continues the government's commitment.

The High Res app features two major functions. The stress management feature helps users manage their immediate reactions to a stressful situation. The app prompts users to test their physical, cognitive, emotional and behavioural reactions and helps them adjust their responses with the use of tools on the app. The performance training feature helps users optimise their mental performance with regular resilience training, hence the name of the app. Training, setting goals and tracking their progress through self-assessment will help users respond better to future challenges in work and in life.

High Res has been developed in collaboration with the Department of Defence and is based on their BattleSMART (Self-Management and Resilience Training) program. High Res is the latest example of DVA using emerging technology to help the Defence community, including families; to raise awareness of mental health issues; and to improve access to professional support. (Time expired)

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (14:59): Mr President, I ask a supplementary question. Thank you, Minister, for that comprehensive answer. Can the minister further explain to the Senate how the High Res app forms part of the government's agenda for veterans' mental health?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:59): I again thank Senator O'Sullivan. DVA has developed a range of significant resources to support serving and ex-serving personnel with mental health conditions and particularly provide
assistance to their families. In 2012-13 there was some $179 million spent which, as I have told the chamber before, is uncapped and is indeed demand driven.

Many of our online mental health resources are through the At Ease portal. The At Ease portal helps people recognise the symptoms of poor mental health, locate self-help tools, mobile applications and advice and helps them access providers and treatment. We have also developed the Working with Veterans with Mental Health Problems accredited training module with the Australian Centre for Posttraumatic Mental Health and the Royal Australian College of General Practitioners. (Time expired)

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (15:00): Mr President, I ask a further supplementary question. Will the minister advise the Senate of other projects and programs the government has introduced to assist veterans and their families with tackling mental health issues?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:01): I again thank the honourable senator most sincerely for this very important supplementary question. Last year I launched the Transition and Wellbeing Research Program—a significant research initiative led by the University of Adelaide. This research program will provide a comprehensive picture of the mental health and wellbeing status of serving and ex-serving personnel, including reservists. For the first time, this will include a picture of mental health disorders in the first four years after discharge, including PTSD. It will investigate how individuals previously diagnosed with a mental health disorder access care and examine the consequences and needs of families of serving and ex-serving personnel, especially those with mental and physical health issues arising from their service. This will help the Australian government to ensure that its policies now and into the future are best tailored to meet the needs of these men and women and their families. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Prime Minister

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:02): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Dastyari today relating to government debt.

The front page of the Australian Financial Review this morning tells it all. The splash headline of the country's main business newspaper is 'Abbott loses the plot on debt', and the subheadings read, 'PM says 60pc of GDP a "pretty good result"; 'Economists lose hope in budget'; and 'Business urges coalition not to give up'. So there you have it: the verdict on the Abbott government's economic credibility in the crisp and concise language of the headline writer—the verdict to which Australia's business executives woke up this morning; the verdict being read by investors and financial markets. Mr Abbott's deceit on the budget and debt has caught up with him and his incompetence is exposed. It has been exposed. This Prime Minister's last shred of economic credibility has evaporated.

We all remember that, before the last election, Mr Abbott talked down the Australian economy and he ran a scare campaign about government debt. We all remember it: Australia
was in a 'budget emergency'—do you remember that?—and a 'debt and deficit crisis'. He compared Australia to Greece. The truth is that Labor left Australia with one of the lowest levels of government debt of any advanced economy. The Pre-election Economic and Fiscal Outlook, prepared by Treasury and Finance, showed net debt peaking at 13 per cent of GDP in 2014-15. IMF figures showed that, out of the world's 26 advanced economies, we had the sixth lowest level of government net debt in 2013-14. Yet before the election Mr Abbott told the public that debt peaking at 13 per cent of GDP was a 'budget emergency'.

What did he say yesterday? He said that net debt under his government policy settings will climb to 60 per cent of GDP—some $960 billion in today's money—and Mr Abbott said that this would be a 'pretty good result'. So net debt at 13 per cent of GDP under Labor is a 'budget emergency' but net debt at 60 per cent of GDP under the Liberals is a 'pretty good result'! No wonder the Financial Review says 'Mr Abbott has lost the plot'. But the trouble is that this Prime Minister is taking the wider economy down with him. This selfish and irrational Prime Minister is taking the wider economy down with him. Since the Abbott government handed down its budget, we have seen business confidence plunge, consumer confidence taking a hit, the slowing of growth, and unemployment rising to its highest level in more than a decade.

But Mr Abbott is not only trashing the economy; he is trashing the credibility of his ministers—like the Minister for Finance, Senator Cormann. Let's recall: under the Labor government we had lower spending as a share of GDP than this government; lower taxes as a share of GDP than this government; and we left Australia with one of the lowest levels of government debt of any advanced economy. By contrast, Senator Cormann, as Mr Abbott's finance minister, is budgeting to increase spending, increase taxes and increase net debt. This finance minister likes to posture like an anti-debt vigilante, but he is actually taking Australia on a path to net debt of nearly a trillion dollars in today's money. Senator Cormann pretends that he is the 'Terminator' but the reality is he is the 'Debt-o-nator'. He is presiding over an explosion in government debt—an explosion which this Prime Minister says will be a 'pretty good result'.

Australia cannot afford to be governed by a finance minister who has blown out the budget deficit, a Treasurer who thinks it is okay to hike petrol taxes because 'poor people don't drive cars' and a Prime Minister who has deceived the Australian public and lost the plot on the economy.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (15:08): While Senator Wong is still in the chamber, I was wondering whether she could qualify, with the term 'detonator', whether there was a 'b' before the 't'. Perhaps, if you would like to write it down, Senator Wong, you will see the humour.

On a much more serious note—

Honourable senators interjecting—

Senator RUSTON: One thing that never ceases to amaze me when we have this particular debate about debt is that I am not quite sure what the opposition want. On one hand, when we come into this place and try and put in some tough measures to try and restore the budget, they throw a whole heap of mud at us and say, 'You can't do that; you're being too tough in the budget'. Now, when the Prime Minister has acknowledged that a softer approach will
occur at the next budget, we are being attacked because we are supposedly being too soft. I am not quite sure what the opposition wants us to do.

Senator Wong rose a moment ago and spoke about the debt situation. I congratulate Senator Wong. She is about to become a parent again in a few weeks time. I know that, as a parent, I am certainly not going to spend and build a debt that I am going to make my children pay. The one thing that responsible parents do, just like responsible governments should do, is live within their means. To stand in here and suggest that it is responsible to continue on building and increasing the level of debt this country so that our children and their children have to continue to pay it off seems a little bit odd, because I am sure that nobody in this place who is a parent would do that to their children. Therefore, I do not believe that any government should be doing it to their people.

We talk about the debt to GDP ratio and the comment that the debt to GDP ratio in Australia, at the moment, is probably not as high as it is in some of the countries that we trade with. One of the things that we have to remember is that the rate at which our deficit is increasing is much, much higher than the rate for the majority of countries that we do business with. Whilst things may be okay at the moment, if you have the fastest rising deficit, it does not take a rocket scientist to realise that in a minute we will have a debt to GDP ratio problem. We also need to remember the fact that Australia is an extraordinarily trade-exposed nation. It is a country that relies extraordinarily on exports. So therefore we are not in the same position as many of our trading partners overseas, or the countries which we benchmark ourselves against in this particular space. I think we just need to be very careful that we compare apples with apples.

Unlike those opposite when they came into government in 2007, we came into government with a massive debt. They came in with a surplus. They had money to spend, and so they did. They spent it; they certainly spent it. We came to government with a massive debt and an increasing deficit. We thought that a very sensible thing for all responsible governments is to do something about our debt.

Senator Conroy: There's no cause for alarm with a 60 per cent debt ratio.

Senator RUSTON: Senator Conroy, I do not know whether you bothered to listen to what I was saying. Our deficit is increasing at a rate far faster than in most other countries around the world.

We have a plan. The coalition have a plan for the economic future of this country. The plan is that we want to deliver jobs. We heard today in question time that the Victorian Labor government is prepared to waste in excess of $1 billion not to build a road.

Senator Conroy interjecting—

Senator RUSTON: If that is sensible economic practice, Senator Conroy, I am afraid that I missed the economics lesson that you must have gone to when you were at school. All that the irresponsible behaviour in this space is going to do is push the issue to the next generation.

In the Intergenerational report that has just come down, we were given three quite clear scenarios. One was where the budget position was going under those opposite. It was going to end up with a Greece type outcome. That is something I do not think any of us would want for our country or our children. Another was that we could end up with a budget position which was what was proposed under last year's budget—(Time expired)
Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:13): I also rise to take note of the answers given by the Leader of the Government in the Senate. I do not always agree with the front page of The Australian Financial Review, but today their front page could not have been more accurate when it said, as Senator Wong has shown, 'Abbott loses the plot on debt'. I could not believe it; I texted the journalist and said, 'Are you quoting him directly? Where did he say this?' And he said, 'In a press conference'. So I went and got the transcript, because I could not believe it. He was asked:

... you've resurrected this line that we're heading towards Mediterranean style levels of debt. You mentioned Greece again today …

And he says:

Andrew, there's no cause for alarm under this Government …

Then he goes on to say:

... a ratio of debt to GDP at about 50 or 60 per cent—

which we are going to achieve over time—

is a pretty good result looking around the world …

He says that a 60 per cent ratio of debt to GDP is a pretty good effort compared to the rest of the world!

We only left him with 13 per cent and that was a national emergency. Now he says 60 per cent is fine. Just look at what he has been saying, look at what the government and the previous opposition have been saying over time.

This Prime Minister has been saying Australia is going down the road of Greece, but now he is happy to grow Australia's net debt from 15 per cent to 60 per cent. That is not a bad effort! He said just yesterday, 'Well, yes, under the former Labor government, we were heading to a Greek style economic future.' And yesterday, he told Neil Mitchell on 3AW, 'We're getting down to Greek levels of debt and deficit as a result of Labor's policies.' What an absolute joke this Prime Minister is becoming. I have to tell you, if this is Mr Tony Abbott unplugged then please bring back Peta Credlin because she is vital to the survival of this man. What a joke this man is becoming.

Labor left the coalition with a AAA credit rating and a debt to GDP ratio of 13 per cent, and apparently we were taking us down the path to Greece. No wonder The Australian Financial Review says he has lost the plot. We can see why the Prime Minister's chief of staff has been so critical over the last few years in keeping Mr Tony Abbott in check. Come back, all is forgiven, Peta Credlin because she is desperate to bring back early because they just cannot afford to allow this sort of incompetence from the Prime Minister to keep running along!

Due to the hypocritical rhetoric the Prime Minister and the Treasurer have been parading around this country, this government has driven unemployment up. It has business confidence down.

Senator Abetz: Absolute nonsense.

Senator CONROY: I will take that interjection from Senator Abetz, who, as Leader of the Government in the Senate, obviously supports that 60 per cent debt is okay. That is what
the Prime Minister said. I am assuming you are supporting him, Senator Abetz? You support him.

You have driven unemployment up. It has gone up since you came to power. You have driven the car industry out of this country. You are trying to give submarine jobs in this country to Japan. Your National Security Committee sat there and every single one of them around the table said 'yes' to the Japan deal. That is what happened. Then you misled Senator Ruston, Senator Edwards and Senator Fawcett. You pretended to them that you were going to look after South Australia. You have absolutely misled them because your National Security Committee did a deal with Japan. You know you cannot deny it because it is true. You cannot deny it.

You have driven unemployment up in this country. You have driven business confidence through the floor. No consumer will spend money. You know what the best way to get GDP growing is? It is by having a responsible budget. (Time expired)

Senator McKENZIE (Victoria) (15:18): It gives me great pleasure to contribute to this debate. Shadow minister Wong, Leader of the Opposition in the Senate, cites the front page of *The Financial Review*, whilst her and her colleagues were very quiet when we quoted that very paper in another question in question time today. They were silent and were turning their backs and only focused on some aspects of *The Financial Review*. But as Senator Wong went through her government’s record, it is not a record she should be proud of. When you are comparing yourself to economies in the global context—‘We’re better than Greece’, ‘We’re better than Spain’—you know what? That is like claiming the cup when the only people you are racing against are toddlers. It is absolutely ridiculous.

Senator Polley interjecting—

Senator McKENZIE: The reality is when you are paying $1 billion a month in interest, Senator Polley, that is three Adelaide hospitals every year—paid in full, every year. Three billion dollars in interest is a new Adelaide hospital every three months.

This government is committed to a sustainable return to surplus. Last week, we had the release of the *Intergenerational report* by the Treasurer which outlined the very significant challenges for our nation going forward. You know what? There are swings and roundabouts in this game we are all in. If the opposition are serious about leadership, if they seriously had a backbone, if they seriously had an iota of credibility to contribute to this debate and to the challenges that face us all as a nation going forward, they would be taking on board the issues raised in the *Intergenerational report* and thinking, ‘How do we actually assist the government in getting back to a sustainable, credible path to surplus?’

We do not know who is actually going to be in charge of the budget as the ageing population tsunami is coming towards us. How are we going to ensure that millions of Australians approach retirement in a way that can guarantee a way of life that they have known so well? We are absolutely committed to building the strong foundation that we laid last year and having a prudent, frugal and responsible budget, in direct contrast to those opposite in their time in government.

Our economic plan is already underway, and Senator Ruston did make reference to some of the principles of that plan. We are actually targeting two million new jobs over the next decade. We are absolutely focused on getting more Australians, young and old, into the
workforce in a sustainable way. That means growing financial security not only at a local level and a regional level but at a national level to ensure a strong economy. We have done that through the free trade agreements that we have negotiated. We have been building infrastructure. We heard questions today from those opposite complaining about building essential infrastructure. That is going to not only provide jobs in construction but contribute to jobs in the regions. For instance, as we get our fabulous green produce to the docks in Melbourne, we need those roads. We need those roads. It is something you need to get on board with.

We are going to be focusing on growing jobs for older Australians through our various strategies and incentives that will encourage employers to put on those long-term unemployed who need that extra bit of assistance to get back into the workforce. We know that having a job is the very best form of welfare. We know that Australians want to be in full-time employment not because they like to make a lot of money but so that they can care for those they love, so they can provide a roof over their heads. That is why we have also committed to a comprehensive family package. We want a more productive economy not only for our nation's future but also so we as parents and citizens can care for those we love. That is why our families package will be focused on getting more women back into the workforce by ensuring our child care is sustainable.

We have abolished the carbon tax and the mining tax. That has put real money back into people's pockets but, more importantly, has allowed businesses to flourish and employ more people because they are not being constrained by that job-destroying tax. Labor turned nearly $50 billion in the bank into a projected net debt well over $200 billion, the fastest deterioration in debt in dollar terms as a share of GDP in modern Australian history. Labor's debt is already costing—(Time expired)

Senator LUDWIG (Queensland) (15:23): I am gobsmacked. From a government that has promised us stable and somewhat dull government, they come up with this clanger. It is unbelievable. Let me reiterate. Mr Abbott has spent the last three years while in opposition and government talking about a so-called budget emergency. I will say it again for everybody out there: a budget emergency. He has been spreading fear about the Australian economy which has been driving down business and consumer confidence. His whole tactic has been to trash the economy. When the debt was 13 per cent of GDP, Mr Abbott called it disaster, but yesterday Mr Abbott said a ratio of debt to GDP at about 50 to 60 per cent is a pretty good result when you look around the world. Wake up and smell the roses. It must have been a bad hair day for Mr Abbott when he looked at that.

How this is possible is a complete mystery to me when you look at the position this government has put itself in. Net government debt is now 35 per cent higher than in January 2014, but according to Mr Abbott the budget emergency is now over as the government has got the budget situation from out of control to manageable. This is from a man who was running around the country before the election and since saying that this is a budget emergency, which is the reason he ground an unfair budget in. The reason we copped a bad budget was the budget emergency which has now evaporated.

Let's remind ourselves of what Mr Abbott said previously:
What we're not prepared to do though is sell out the fundamentals and the fundamentals are that we have absolutely got to get this budget crisis back under control. I mean, Labor left us with a debt and deficit disaster.

This government has taken one step more and found a 50 to 60 per cent debt-to-GDP ratio manageable somehow—quite an extraordinary circumstance.

I think the editorial in the SMH really sums it up when it says:

This "being in government" business is proving to be all too hard for Prime Minister Tony Abbott and his ministers.

Too hard to frame a fair budget.

... ...

Too hard to be civil and constructive on policy options. Too hard to explain to voters the need for reform. Too hard to find a consistent message.

And way too hard to provide the sort of "stable, no surprises" government Mr Abbott promised just 18 months ago.

Who would believe 18 months ago that he made such a promise?

The Herald said then that voters would get to judge Mr Abbott on trust and stability "in three years or, should he prove unable to manage a democratic parliament, much sooner".

... ...

Indeed, being in government has turned out to be so hard that some ministers and others in his inner circle even considered plans to commit hara kiri through a double dissolution election.

What a shambles.

Finance Minister Mathias Cormann said on Thursday: "The important thing is to keep heading in the right direction."

Tell us what that direction is because we do not know, the public do not know and the commentators do not know. If you can find a direction in all of the dropped pie, let us know; we might be able to at least discern your position. That is what your government looks like. It looks like a dropped pie: completely shambolic, completely rudderless and directionless and one which does not have any consistent message.

Are we now going to drop the budget crisis message and move to a dull and boring government? Let me tell you, from a person who understands a bit of dullness; you guys are not dull! It is an extraordinary circumstance that you have now laid out. The message is quite clear though. One, we have to hide Mr Hockey. Don't let him out! We have to hide Mr Hockey, and Mr Abbott is going to take the lead. Nobody has told Ms Credlin this, because it would not be one— (Time expired)

Question agreed to.

Indigenous Advancement Strategy

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

That the Senate take note of the answer given by the Minister for Indigenous Affairs (Senator Scullion) to a question without notice asked by Senator Siewert today relating to the Indigenous Advancement Strategy.

I rise to speak on the motion to take note of answers from the Minister for Indigenous Affairs, Senator Scullion. In answer to my first question, about the continued funding of youth
services, the minister tried to bat off the question by saying he had spoken to them. As I understand it, he has spoken to one of the organisations involved, or the department has spoken to one of the organisations, the other maybe not. The important thing here is that as far as we are aware they still have not seen any contracts, they still do not know how much funding they will get.

Senator McKenzie interjecting—

Senator SIEWERT: The minister was not clear at all. The whole time with the Indigenous Advancement Strategy he has been giving glib answers. Given the mess that has occurred around the Indigenous Advancement Strategy, I can tell him that organisations are not comfortable with the fact that they may or may not get funding. In this case, organisations do not know how much funding they will be getting, they have not seen the contracts, they do not know whether the funding is for 2014-15 and that is it, or whether there are no increases in funding because they are based on 2014-15 funding levels with no indexation—effectively a cut. Using the same strategy, the government tries to slip away from the argument about changing indexation for the age pension and hoodwink people into thinking it is not being cut. This amounts to cuts in funding services, and those sorts of issues are very much in the minds of organisations currently in this funding mess.

The minister has not tabled a document yet about who has received funding and for how much and, very importantly, we still do not know which organisations have not received funding. The minister himself does not know who has not received funding. He says there are under about 12 so far that they have found have not received funding. This was supposed to be a rigorous program that was going through rigorous assessment, and yet organisations that provide what should be considered essential services in communities, like youth services, somehow slipped through the net. In fact, in the minister's own state they have slipped through the net, when I am sure that the department and the minister know how important those youth services are.

One of the questions I asked was about those programs that have missed out through an oversight. The minister said they are still going through looking for those, and that they have until June. Those organisations employ people. They have a responsibility to let their staff know whether they are going to have a job or not, and they also need a satisfactory time to let them go. Very soon those organisations will be starting to have to tell their staff, because they are required to do due diligence, that they may not have a job into the future. No it is not right and it is not fair that the minister thinks he has till June to find other organisations and to fill the gaps. Those gaps are there because this process has not worked effectively and because of the rushed way things have been done and the way that all the programs come together. He thinks he has till June to fill those gaps but he does not. Organisations will have to start letting their staff go in the not too distant future, and staff will be looking for other jobs—they will be thinking they do not know about the security of their position, and they will be going. The minister and the government talk repeatedly about providing good jobs for Aboriginal people. These services provide jobs for a large number of Aboriginal people, and there is a great deal of uncertainty about their future.

Another funding program for which organisations still do not know whether there will be another funding round is Stronger Communities for Children. The tenders closed in July last year but the results still are not known. These organisations do not know what is the status of
the rollout of stage 2 of Stronger Communities for Children. There has been a very long day
and we do not know if they are going to continue to be funded. Again, that program is
regarded as a successful program and they do not know the future of the program. This
process is a mess, which is why I have moved a motion to refer this issue to the Finance and
Public Administration Committee. I am very pleased that the Senate supported that motion so
we can find out just what is going on. (Time expired)
Question agreed to.

COMMITTEES

National Broadband Network Select Committee

Report

Senator LUNDY (Australian Capital Territory) (15:34): I present the second interim
report of the Select Committee on the National Broadband Network.

Ordered that the report be printed.

Senator LUNDY: I move:

That the Senate take note of the report.

First, I acknowledge the efforts of the staff of the select committee's secretariat. The hard
work they do and their dedication as this committee conducts its work across the country are
genuine testament to their professionalism. I also thank my Senate colleagues on the
committee for their cooperation and contributions. The Select Committee on the National
Broadband Network no doubt will continue its work but I think the necessity for an interim
report encapsulates the work that the government has sought to do over the last little while.
This report primarily lends itself to reflecting on a plethora of reports and reviews that the
Abbott government has undertaken with respect to the National Broadband Network.

I will make three points and then reflect very briefly on the recommendations. Eighteen
months into this government's term the NBN Co is still too uncertain to divulge how much the
multi-technology mix, or MTM, will cost or how long it will take to build. The committee
noted that the headline financial and deployment numbers that have been divulged to date by
NBN Co and the government are outdated and indeed unreliable. The committee
also found that NBN Co's strategic review was unreliable in the case of all examined scenarios. We know
it was completed in just five weeks, with no external independent oversight, and the
committee found that it contained financial manipulations and other irregularities. Over the
past 12 months these concerns have largely been borne out, with key NBN Co management
distancing themselves from the report

The report also found that the cost-benefit analysis conducted by the government was deeply
flawed and is not credible.

I know my colleague Senator Conroy will expand on these points, so let me conclude by
making a couple of my own. I believe a network that relies in any way on Telstra's copper
network is not and can never be a national broadband network. I spent years—many years ago
now—in this place examining the state of Telstra's copper network. This work contributed to
informing not only our policy to build a national broadband network based on fibre to the
premises but an understanding that an overbuild was necessary—because Telstra's copper will
not stand the test of time. It has already been failing for years.
To allow part of that existing copper network to form part of a multitechnology mix is absolute folly. It ensures that, under this government, what they continue to call the National Broadband Network will never be any such thing. In this report we have documented in a very detailed way the great travesties and manipulations concerning the business and conduct of the National Broadband Network. But the fundamental issue is that a network that is no longer a fibre-to-the-premises network but has gone back to the old multitechnology-mix approach of the former Howard government will never deliver the universal high-bandwidth network to Australia—nor the commensurate economic and social benefits—that would have put us ahead of the pack and allowed Australia to be the most substantial test-bed network for high-bandwidth connectivity among the developed nations of the world. That is a great shame. I commend the report to the Senate.

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (15:39): Before I make some remarks on the second interim report of the Senate Select Committee on the National Broadband Network, I acknowledge the work of Senator Lundy, who has been the chair of the committee since I have been on it—since the coalition took government. I wish her all the best in her retirement from this place. I also acknowledge the extraordinarily hard work of the committee secretariat. This has not been an easy committee to work for, so I acknowledge the way they have managed to manage a committee that has met on so many occasions. It has met so often that I have started to dream about the NBN committee during my sleep!

The National Broadband Network is an amazing concept and something I think all Australians look forward to being part of in due course. However, I have to make the comment that we, through this committee, have to stop looking backwards. We have to start looking forward.

Senator Conroy: We can't because you won't give us the numbers!

Senator RUSTON: I will get to that, Senator Conroy. We need to start looking at how we can best roll this project out so that the people of Australia can benefit from what is a huge infrastructure project, a project that is going to cost Australian taxpayers billions and billions of dollars. Regardless of what the final multitechnology mix looks like, it is still going to be one of Australia's largest infrastructure projects ever. It was quite interesting listening to Senator Ludwig earlier. He referred to something as 'looking like a dropped pie.' We need to remember, Senator Conroy, that what we inherited when we picked up this project upon coming into government resembled that dropped pie that Senator Ludwig was referring to.

This was a committee that was established using the numbers in the Senate, so it does not reflect the government. It is a select committee that can meet without any government members being present—and did so on a number of occasions before government senators were appointed to it. Beyond that, it is appropriate and timely to put on the record that, since November 2013 when this committee was first established, it has called 22 hearings. The committee has demanded that NBN executives appear before it for a total of not less than 272 hours. Consider what the cost of attendance at these the hearings has been, not to mention the cost in lost hours—including the hours these executives have had to spend travelling to and from the hearings, because of course they are not Canberra based—the lost productivity, the airfares et cetera. Over a space of about 15 months, this has been an extraordinary amount of time to be demanded of the executives of any government business enterprise. They have
turned up time and time again and have often been asked the same questions over and over. This is despite the fact that sometimes committee members have already known the answers to their questions—they have just been attempting to be mischievous.

In contrast, the Joint Committee on the National Broadband Network, which was a committee of the previous parliament—a committee of both houses of parliament and a committee that reflected the make-up of that parliament—met for a combined total of 39 hours through eight hearings. I wanted to put that on the record so that anyone who was seeking to hear or read the contributions in relation to this report can understand that this committee has degenerated into little more than a witch-hunt. I hope that, now that this report is out of the way, we can settle down and start doing something positive. I hope we can start doing the real job of the select committee, which is to monitor the rollout of this extraordinarily important project for Australia.

We need to set the agenda to go forward in a way that will allow us to get some productive outcomes from this committee. To achieve that, this committee needs to be a properly constituted committee—and preferably, because of the importance of the NBN project, not just a Senate committee but a joint standing committee of both houses of this parliament. The sooner we get back to that, and the sooner we start focusing on the future rollout of this very important project, the better. I stand today to say that I do not believe that this report of the NBN select committee reflects the sentiments of everybody who attended nor the evidence of the witnesses.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:44): I do have to respond to some of the quite misleading claims that have just been put on the public record—quite misleading statements. Let's us be very, very clear about this—

Senator Ruston: Mr Deputy President, I rise on a point of order: I seek clarification through you as to whether Senator Conroy is accusing me of misleading the Senate.

The DEPUTY PRESIDENT: I think he is; I think that is what he has said.

Senator CONROY: The claims that this committee is meeting an extraordinary number of times—

Senator Ruston: Mr Deputy President, I rise on a point of order: I would seek that Senator Conroy withdraws his comment that I am misleading the Senate.

The DEPUTY PRESIDENT: Senator Conroy can, if he chooses to, but I am not going to ask him to.

Senator CONROY: I withdraw; I would not want to offend Senator Ruston. Let me be very clear: so many meetings of this committee are needed, because not one single answer has been given to the committee on the simple fact of: how much Mr Malcolm Turnbull's dog of a network is going to cost—not one answer to that question no matter how many times we ask it and no matter how many times we sit there and ask the simplest and most straightforward questions.

We do not know how long it is going to take to build. We do not know what it is going to cost. We do not know what its revenue forecasts are. We do not know what the expenses of its teams are—simply stonewalled every single time.
At the last hearing, I think I commented that nearly 80 per cent—that is eight, zero per cent—of the questions that I asked were taken on notice. Over a five-hour hearing, 80 per cent of the questions I asked were taken on notice. It will come as no surprise to you, Mr Deputy President Marshall, that when we get these answers heavily doctored by Minister Turnbull’s office, we will need to ask the same questions again, because the officers of NBN are not allowed to answer questions.

We had the quite extraordinary example at the recent committee hearing, when I asked a very straightforward and simple question to the expert of HFC technology—the newly-hired one, $800 million a year—the chief executive leaned over and said out loud: ‘Don’t answer that question.’ Just leaned over—it was that blatant.

Mr Turnbull used to laugh and make jokes about the Kremlin when it came to NBN before. The Kremlin is a beacon of transparency compared to the gulag at NBN headquarters in North Korea that is being run by this government.

After 18 months, the public of Australia do not know the cost of Mr Turnbull’s dog of a network—not a single cost, not a single revenue, not a single expense and not a single contract. In fact it is so absurd now on this committee that, when you ask them: what is the cost of the contract with this company?—a major public company? They say, ‘We can't tell you.’ I say, ‘But this company have released this information to the stock exchange, because it is material to them. Can I read you their press release to the stock exchange? Can you confirm this is the truth?’ And they say, ‘We can't comment.’

So do not come in here and cry crocodile tears about the number of meetings and the number of hours when these officers are directed by the minister, the chair and the CEO of NBN Co in front of the committee to refuse to answer a single question.

You might find it funny but there are times when you will not always be in government. You are breaching every possible informal rule that we have about how we deal with public servants. ‘I won't tell you the cost of a contract. ‘But it is released to the stock exchange.’ Or: ‘I can't comment on that.’ ‘Is it true?’ ‘I can't comment on that.’ ‘So are they lying to the stock exchange?’ ‘I can't comment on that.’

Abusing the committee processes of this chamber is a disgrace. The minister stands condemned. The board of NBN Co stands condemned. The executives of NBN Co stand condemned for treating the committee of this parliament and the people of Australia with open and cold contempt—and then they laugh about it while they sit there in front of us.

I also want to speak on the second interim report. You will recall that the first interim report found that the NBN’s strategic review contained financial manipulations and other irregularities. That was no great surprise as I talked about last time: it was put together by Minister Turnbull’s yachting buddy of 15 years—they actually jointly own a yacht on Sydney Harbour. You have to put someone in place that is your best mate to give you the dodgy report to start with.

But time has proven that the committee was right in its statements. NBN Co management have been crab-walking away from this disgraceful, dodgy report prepared in 11 weeks and they will not endorse it—they just cannot get away from it fast enough. That has left the minister with a couple of problems: first, it was on the basis of this dodgy report that he used
this fig leaf to say that fibre to the premise was too expensive to build; and, second, he no longer has a platform to say that fibre to the premise is too expensive to build. So what does he do? He has another review—his seventh review in 18 months. This minister is very fond of providing his mates with a steady stream of income on the taxpayer dime but not so good at actually rolling out a network by 2016. The latest review makes wildly inflated estimates of the cost of fibre. Internationally, the estimates by NBN Co executives are a joke. People laugh openly when they see the fabrications and constructions used to inflate these numbers.

The minister has engaged in some creative accounting here. Let us be very clear about this. First, even though NBN Co use this figure as an expense internally, inside NBN Co, he has decided to capitalise opex to Telstra for its ducts. So you take an expense that is an internal expense. You say: 'No, no; that's not good enough. The numbers are not high enough to back up the numbers we've claimed for the last two years, so we've got to actually take an expense from a different part of the accounts and capitalise it and add it to the numbers to try and bloat up the fibre-to-the-premise costs.' So $737 of the alleged cost of NBN's fibre-to-the-premise rollout is entirely a dodgy fix—from one set of the accounts in NBN Co to an external claim that it is part of the cost. No other country in the world, no other company in the world, tries to pretend that those sorts of opex expenses are part of the cost of an FTTP build—none of them. Shame on you, Minister. Shame on the board of NBN Co for having to prop up its dodgy decisions with absolutely fabricated numbers like this.

Second: 'Let's throw in some opex costs from internal labour. There's another $170. Oh my goodness; we still can't get the number high enough to justify wasting $30 billion of taxpayers' money on this dog. Let's just say: all of those people sitting in that corner—all of those people and their wages—we're going to capitalise their costs for the purposes of NBN Co's fibre-to-the-premise rollout.' Again, no other company in the world tries to account for its fibre-to-the-premise costs like this. It is totally and utterly a disgrace.

Third: 'Give in to delivery partners' ambit claims. Pay them whatever they want.' A whole bunch of disputes arose during the course of the rollout, and this board, this management, rolled over and just paid out as much money as it could to deliberately inflate the cost of the rollout to date. It rolled over and paid out hundreds of millions of dollars of taxpayers' money, just for the purpose of being able to pump up the numbers on fibre to the premise that was being rolled out. We have not been able to finally get a number on that one. NBN Co is hiding it.

Fourth: 'Direct officers inside NBN Co to stop rolling out cost savings.' That is what has gone on in the last 18 months. My time is almost up. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Finance and Public Administration References Committee

Report

Senator LUNDY (Australian Capital Territory) (15:55): I present the interim report of the Finance and Public Administration References Committee on violence against women.

Ordered that the report be printed.

Senator LUNDY: I move:
That the Senate take note of the report.

I do so acknowledging that this issue has stepped right into the public spotlight, thanks in large part to an extraordinary woman. This woman is the Australian of the Year as a result of her efforts. Her name is Ms Rosie Batty. On behalf of the committee, I would like to take this opportunity to acknowledge her—her courage, her commitment, the fact that she has endured the most tragic personal circumstances, which have led her to this very public role—and to say to her: thank you, on behalf of all of us, because you are helping us find a way to stop this terrible phenomenon of family violence throughout Australia.

The reference was made to the committee on 26 June last year. We have received 163 public submissions, as well as confidential submissions. The committee has held six public hearings. During the inquiry, the need to extend the reporting date became clear, and the committee is now scheduled to produce a final report in June this year. I do not know what the committee will decide. It may well decide to continue to extend. Whilst acknowledging the need for more time to conduct further hearings, the committee agreed on the importance of providing an interim report ahead of the 2015 federal budget, hence the tabling of this interim report today.

As I mentioned, the Australian public are becoming more aware of the prevalence of domestic violence, or family violence, in our communities. I note with sadness that in my own electorate of the ACT we have seen three homicides in as many weeks that have been attributed in some way to family violence. On evidence presented to the inquiry, it can be noted that the emotional and personal costs of domestic or family violence in our community are enormous. Violence affects the victims themselves, the children, the extended families, the friends, the work colleagues and, of course, the broader community.

The statistics are damning. One in three Australian women has experienced physical violence since the age of 15, and almost one in five has experienced sexual violence. A study of Victorian women demonstrated that domestic violence is the leading preventable contributor to death, disability and illness in women between the ages of 15 and 44. As well as the emotional and personal costs, there is an enormous economic cost attributed to family violence. A study commissioned back in 2008-09 estimated this cost as being $13.6 billion and rising.

Given the enormity of the issues surrounding family violence in our community, we know the community is concerned about the Commonwealth funding cuts to a broad range of services essential to supporting victims of family violence and indeed addressing it at its cause. These cuts include over $64 million in cuts to Australian legal services over a four-year period, $44 million in cuts to new shelters and emergency accommodation, $21 million in cuts to housing and homelessness peak bodies, abolition of the National Rental Affordability Scheme and abolition of the National Housing Supply Council. The government has failed to guarantee funding under the National Partnership Agreement on Homelessness past 30 June this year, placing other services at risk. There has been a $240 million funding cut to the Department of Social Services grants program, which has affected the funding certainty of many front-line family violence organisations delivering crisis services and men’s behaviour change programs. While it is very difficult to quantify the full impact of the discretionary grant cuts on domestic violence reform, the committee has heard that the victims of domestic
violence rely on many of the services provided with these funds. That concern was well reflected by witnesses who appeared before this committee.

One of the key recommendations is, of course, that the government restore funding to these vital programs. The cuts are real. I appreciate that, with the excellent goodwill in which government senators have approached this Senate inquiry, they are discomforted by the strong recommendations that the government restore the funding cuts as a baseline from where we go to develop new, better and more effective policy. But it has to be said—and this report recommends—that those cuts should be reversed.

I would like to conclude by acknowledging my Senate colleagues who participated in this inquiry. At times it has been incredibly moving, incredibly sad and incredibly meaningful in helping us understand how our system works and, indeed, how our system fails to support those experiencing family violence. Our system is not working; we need to improve it. We are not going to improve it by allowing a series of cuts to be inflicted across all of the services that surround and support how we respond to women and other family members enduring violence—by seeing that fall away. We need to come back to where we were and then build new, better and more effective programs and policies across all spheres of government. Local, state and territory, and federal governments need to work closely together to achieve far better outcomes. We have the insight now, and we will continue to get it. We had an excellent hearing, for example, in Darwin, where we heard from front-line supporters about what needs to be done in the Northern Territory to improve the support and to improve the systems so that we can help those in greatest need.

I would also like to acknowledge the secretariat of this committee. The Finance and Public Administration References Committee has not done a lot of inquiries into such a profound area of social need. I acknowledge the secretariat's enormous workload and their absolute diligence and professionalism in supporting the inquiry through recent times. Because I am retiring soon, it is with some regret that I will not be able to see this inquiry through to fruition. But I entrust in my colleagues their ability to take up the next stage of this inquiry, where we investigate fully what the policies of the future need to look like to improve this environment, to improve the landscape and support those in need. It does not do that now. If you need to get an insight into that, I would refer you to the transcript of the evidence of Rosie Batty herself, when she talked about what did not work for her, what does not work for others and what we ought to be doing to fix it. This is the next phase of this committee's work, and I am sure my colleagues will forgive me in projecting that, at this opportunity, to them.

I commend this report to the Senate. I commend the future work to my fellow senators. There is not a more important social issue facing Australia right now.

Senator McKenzie (Victoria) (16:04): I, too, rise to make a brief contribution to the tabling of the Finance and Public Administration References Committee's interim report on violence against women. I would like to note the contribution by the chair of the committee, Senator Lundy, particularly in outlining statistics on violence against women, and her commitment to this area. I also note that, if we look around the Senate chamber now, we see that the majority of senators, from all parties, are indeed female. I think it is a good thing.

I am pleased that this report has been tabled today. It is important and it is very timely. One reason it is timely is that the Senate has recently heard of several incidences of violence against women in the workplace that are of significant concern. As the chamber has heard on
several occasions this week, there is disturbing evidence of a subculture of aggression and violence towards women emerging from some quarters of the union movement. Earlier this week, the front page of *The Australian Financial Review* reported an instance of a union blockade of a workplace in Sydney. The employer called Fair Work Building and Construction, whose inspectors arrived at the worksite on Monday to investigate the blockade. Those inspectors were treated abusively by the blockaders. Of particular relevance and concern was the report that one union official actually spat at the female inspector in what, I suspect, was an attempt at intimidation. This is the same female inspector who was last year abused by the Construction, Forestry, Mining and Energy Union's official Luke Collier. When he saw her at a construction site, he swore at her and called her names that were both sexist and aggressive. This female inspector was simply doing her job. I have great respect for her willingness to continue to stand up for lawfulness and fairness on our building and construction workplaces.

However, I was saddened to hear during Senate estimates that this is not always the case. Director of Fair Work Building and Construction, Mr Nigel Hadgkiss, gave evidence to the committee that I chair that some inspectors, particularly female inspectors, are so distressed by the threats and abuse levelled at them by aggressive unionists that they have to be moved on to other duties within the inspectorate. Mr Hadgkiss also told Senate estimates of two serious instances of attacks on women. One was where the CFMEU Victorian assistant secretary, Shaun Reardon, made late-night threatening phone calls to a female member of his staff. I saw the *Herald Sun* report that as a result, Mr Reardon was consequently stripped of his role as a White Ribbon ambassador, a role that would require him to stand for women and against violence perpetrated on them, and certainly not himself to engage in such violence.

The second incident Mr Hadgkiss relayed was also very serious. He told my committee that another CFMEU official had made a late-night threatening phone call to a female member of his staff and threatened her with gang rape by him and seven of his mates. In Mr Hadgkiss's words, one of our female staff members received a phone call. I will not mention her name. I will change the name. He said, 'Mary is it? Mary, me and my seven mates are going to come and F-U-C-K you tonight.' He also told the committee that social media was used to deride his staff including using such terms as 'dogs' to abuse them. Indeed, Mr Hadgkiss told the committee that he had concerns about the safety of his staff and that in recent years he had 25 serious security matters involving his staff.

The Labor Party and the Greens are led by women in this place. The ACTU is also led by a woman. Where is the reprimand of action from these bodies to call out and chastise these actions by aggressive union officials? I hope that all our female senators will consider what can be done by us to protect women against these types of attacks. I also asked the Finance and Public Administration References Committee to address these very issues in its final report on violence against women in June. I look forward to reading the interim report.

**Senator WATERS** (Queensland) (16:09): I rise to speak on the interim report of the Senate Finance and Public Administration References Committee inquiry into the scourge of domestic violence that Australian women are being subjected to on a daily basis. I wish firstly to commend the work of the chair, the senators who participated in this inquiry and also the secretariat. I particularly want to thank the witnesses who came before us in this inquiry who
poured their hearts out and showed us just how hard they work and how they go above and beyond the call of duty to try and help these women and children.

We know, sadly, from the statistics just how many Australian women are suffering from family and domestic violence. One in three women over the age of 15 will at some point in their life experience domestic and family violence. We know one in five will experience sexual violence. Until this year, there was that horrific statistic that one woman a week would be killed by her partner or former partner. This year that is up to two women a week. I am really pleased that the Senate has agreed to investigate what we can do better to try and fix this terrible problem.

When I referred this issue to the Senate in the middle of last year, I wanted to make sure that we would look at the full gamut of the prevalence and impact of domestic violence, what on earth was contributing to why these statistics was so horrific, whether or not the policy and community responses were adequate and if not how they could be fixed. Particularly I wanted to look at the effect of recent policy and funding decisions by this government on whether that was in fact making the problem worse. I am very sad to say that throughout the course of the inquiry, all we have heard is that the funding cuts to housing services, the funding cuts to community legal service services and the other funding cuts through a variety of other buckets have meant that women are choosing between violence and homelessness. Now that is a choice that no woman should have to make nor should any government bring that choice down upon any Australian woman.

I commend this report to anyone who is listening and who cares about this issue—we all should. I think anyone who knows that evidence cannot close their eyes anymore. It has been wonderful to see that there has been increased attention to this issue. It has been a taboo issue until very recently, but in the last 12 to 18 months the mainstream media have started giving this issue the attention it deserves and many people in the community are now lifting that veil of secrecy. That is how we help address this issue. It has been an absolute pleasure to bring the resources of this Senate to shine a light on the issue.

This report has eight actions that will help stop family and domestic violence. Will Tony Abbott do any of them? I want to take the Senate through each of the eight recommendations because they are excellent. The first recommendation is to reverse those funding cuts to legal services, both to the Legal Aid Commission and to community legal centres. We heard some evidence right across the country but the one that stuck with me—and I see senator Nova Peris in the chamber here for the Northern Territory—was that one of the Northern Territory's legal services no longer could afford to employ paid lawyers. They had one coordinator and they were going to have to rely on law students to give advice to their clients on what women's legal rights were to try and escape domestic violence, to try and get apprehended violence orders, to try and sort out their housing situation. That is an absolutely atrocious situation when we know the statistics of violence against Indigenous women are even worse. Indigenous women are more than 30 times more likely to end up hospitalised from family and domestic violence yet the funding cuts are seeing staff get laid off from community legal centres. Likewise the housing cuts are seeing phone calls in crisis centres ring out and women being turned away from crisis shelters because they are already full and there is nowhere to go. We heard very powerful evidence from countless witnesses that women are being forced to choose between violence and homelessness.
The second recommendation talks about not just reversing those funding cuts but actually boosting funding to community legal centres, which that Productivity Commission has recommended, and we endorse that wholeheartedly. The next recommendation talks about the important area of prevention as well as early intervention and crisis support—the full gamut. We cannot focus at any end of the spectrum here. We need attention at all levels to try and prevent the terrible increasing statistics of domestic violence. An increased coordination between the levels of government is crucial as well as between the community sector.

One interesting recommendation is rather an old one: to expedite the harmonisation of intervention orders across jurisdictions. This was a commitment that the National Action Plan to Reduce Violence Against Women and their Children included about four years ago. Interestingly, it is an announcement that the Prime Minister, Tony Abbott, also made about two weeks ago. Well, we have been waiting four years now; it is about time we saw some action on harmonising those apprehended violence orders across the state so that when women flee they do not have to go through that whole process again to get a fresh order.

The next recommendation talks about including respectful relationships education in the national curriculum. We know that the real driver of domestic violence is the belief that men and women are not equal. As a woman who certainly does not subscribe to that view, I find that very hard to compute—that anyone believes that. But the statistics show that in societies where there is less gender equality that there is more domestic violence. There is a clear correlation there. We need that education and awareness raising to change those attitudes, and in what better place than in our schools and in what better way than through our national curriculum?

The next recommendation goes to the need for behavioural change programs for perpetrators. I want to flag that there has been some wonderful work done by men's groups to help work with their peers and to help change those behaviours, driven by those fundamental beliefs. We commend the programs and the work that is being done by those men's groups.

The next recommendation is about funding certainty for the Australian National Research Organisation for Women's Safety, or ANROWS, as it is known. This has been a wonderful initiative, to establish a research program. Unfortunately, the funding envelope is so small, many of the research programs cannot be completed. Clearly, that is a farcical situation that could easily be rectified through budgetary decisions by this government.

The last recommendation goes to addressing the particular scourge of family and domestic violence against Indigenous women. I have mentioned that already, but the recommendation is for a review of policies and services, particularly around the treatment of alcohol and drug abuse in the Northern Territory. And I look forward to the contribution by Senator Peris in that regard.

What we have here is a plea for the Abbott government to reverse those funding cuts to community legal centres and to women's shelters through the National Partnership Agreement on Homelessness and—unfortunately, no longer—through the National Rental Affordability Scheme, which this government axed completely. There is a plea to reverse those funding cuts. They are hurting Australian women. I was so pleased to hear the Prime Minister say that he thought this was a national priority. We welcome that. This should be a national priority.
But you cannot just say the words; you have to do the actions. We know that there have been some terrible budget cuts—it is certainly not just in this area. But the evidence is clear and the solution is perfectly clear: reverse those funding cuts. Let's do everything we can to help Australian women and children get free from violence, and let's then invest in those programs to change the underlying attitudes that are leading to these horrific statistics.

I talked about gender inequality. We need to look at that right across the board in society. Here in this place, we still do not have 50 per cent female representation in the parliament. We certainly do not have that in our federal cabinet! That is a great shame. The women in this place are incredibly capable, as are women across the country. We deserve our rightful place in accordance with our share of the population. If we look at the business community, likewise—no equal representation of women on boards. If you look at any leadership roles women are, sadly, still not represented equally. We need those strong female role models and we need legislative change to help drive that so we can stamp out this belief, once and for all, that somehow men and women are not equal. If we change that fundamental belief and address that gender inequality, that is when we can start to see real change in the domestic violence statistics that this country is facing.

I am confident that there is enough goodwill to tackle this issue seriously. Of course, the purse strings appear to be getting in the way. But we have a budget coming up, and the reason that this committee has decided to release an interim report is to try to influence the decisions of government in that budget. So I would plead with the Abbott government, please, to reconsider those funding changes to community legal centres and housing, because they can help. It is incumbent on all of us to do everything we can.

Senator PERIS (Northern Territory) (16:19): I rise to speak also on this very serious and important issue of domestic and family violence in Australia, and on the interim report tabled today by the Senate Finance and Public Administration References Committee.

Before I proceed any further, I would like to echo the sentiments made earlier by my colleague Kate Lundy about our Australian of the Year, Ms Rosie Batty. We all need to recognise her bravery in championing the issues around this national atrocity. I also want to thank Senator Larissa Waters for giving her good overview of all the recommendations in the report. I think she articulated very well the importance of reinstating the funding to those essential services that can combat this and make Australia a better place for women and children.

As Senator Waters mentioned earlier, I would like to draw everyone's attention to one of the recommendations, which relates directly to my electorate in the Northern Territory:

The committee recommends a review of policies and services dedicated to the treatment of alcohol and other drug abuse in the Northern Territory and their impact on domestic violence, including urgent consideration to reinstate the Banned Drinkers Register.

I am very pleased that the committee makes this recommendation, because it is a win for all Territorians. And this issue has finally got the attention of the federal parliament.

I am sincerely grateful that the committee came to Darwin last week at my invitation and heard evidence from a range of frontline service providers, including the Northern Territory police, medical services, women's shelters, legal services—Indigenous and non-Indigenous—and Aboriginal Peak Organisations NT, all of whom are dealing with the daily horror of domestic and family violence against women and children in the Northern Territory.
There was one issue that all witnesses were unanimous about, and that was that the banned drinkers register was an extremely effective tool in reducing alcohol related violence against women. Make no mistake, alcohol misuse is an enormous factor in family violence in the Northern Territory.

In August 2012 the incoming Northern Territory government scrapped the banned drinkers register. It was one of its first acts as a new government, and it was totally irresponsible. The banned drinkers register—or BDR, as it is also known—is an electronic identification system at the point of sale which prevents anyone with a court order banning them from purchasing alcohol from doing so, including those with a history of domestic violence.

The BDR was rolled out across the Northern Territory from 1 July 2011, and in the first quarter alcohol-related assaults dropped by five per cent, Territory-wide. At the end of the third quarter, in March 2012, a staggering 2,369 people were placed on the banned drinkers register. Around 25,000 people were on the banned drinker register when it was scrapped. Domestic violence perpetrators were again free to buy as much alcohol as they liked. As predicted by police, lawyers and doctors, domestic violence rates soared through the roof.

The Northern Territory's current minister for women, Ms Bess Price, told the inquiry—and I thank Ms Price for attending the inquiry—that:

The statistics regarding the incidence of violence are breathtaking ... for the 12-month period ending November 2014, there were 7,076 assault offences in the Northern Territory, of which 4,262, or 60 per cent, were recorded as being associated with domestic violence.

Since August 2012, when the Country Liberal Party took government, domestic violence related assaults have increased by 7.4 per cent territory-wide and are up 14.1 per cent in remote areas, 39.5 per cent in Darwin and 21.4 per cent in Palmerston.

In 2011, the former territory Labor government introduced the enough is enough alcohol reforms. Crime statistics recorded prior to this initiative found 60 per cent of all assaults and 67 per cent of domestic violence related assaults were all alcohol related. A study undertaken by the South Australian Centre for Economic Studies, *Harms from and costs of alcohol consumption in the Northern Territory*, estimated alcohol-related crime and illness costs the Northern Territory community is $642 million per year or $4,197 per adult, compared to $943 nationally, with this including the cost of police, ambulance and hospital resources. Labor's enough is enough alcohol reforms committed $67 million over five years, including $34 million for more treatment options.

One of the most alarming facts about these horrendous statistics is that so much of it is preventable. We have heard that from previous speakers. It is preventable because so much of it is caused by alcohol abuse. The Northern Territory government must take responsibility, because this has happened under their watch. Previously, an assistant police commissioner noted that the banned drinkers register was the most powerful tool to deal with antisocial behaviour and violence in the community in a public place. I need to make mention of an incredible Aboriginal women in the Northern Territory, who is very well-respected in her work for 13 years at the Darwin Aboriginal and Islander Women's Shelter, Ms Bennett. She told us that there were very noticeable improvements when the BDR was in place and she pleaded for it to be reinstated.

If the Northern Territory government is serious about tackling alcohol-related harm, then it must reinstate the banned drinkers register. It must listen to people who deal with this day in
and day out, who deal with the atrocities of domestic and family violence in the Northern Territory. They must take note of all of these recommendations. The banned drinkers registry is a tool that has been set up and it has been proven to work. It can actually assist with reducing the statistics of violence against women and children in the Northern Territory. Territorians need an urgent response to this challenge, so let's stop the rivers of grog. Let's stop the violence. It can be prevented. Let's do it. The evidence is clear. Let's take action now. I thank the Senate for the opportunity to participate in the hearings. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Economics References Committee

Report

Senator McEWEN (South Australia—Opposition Whip in the Senate) (16:26): On behalf of Senator Dastyari, I present the report of the Economics References Committee on incentives to privatise state or territory assets for new infrastructure, together with the minutes of proceedings of the committee and the transcript of evidence.

Ordered that the report be printed.

Senator McEWEN: I move:

That the Senate take note of the report.

I seek leave to incorporate a tabling statement in Hansard.

Leave granted.

The document read as follows—

I rise to present a report by the Senate Economics References Committee on its inquiry into privatisation of state and territory assets and new infrastructure.

The committee examined the incentives provided by the government’s Asset Recycling Initiative to privatise state or territory assets and recycle the proceeds into new infrastructure.

Under the initiative the Commonwealth would make an incentive payment equal to 15 per cent of the sum of proceeds from an asset divestment, on the condition that the state or territory government reinvests both the proceeds and the incentive payment, into additional infrastructure.

The committee is very concerned that binding privatisation with infrastructure funding may lead to several significant problems including:

- potentially distorting privatisation decisions, that would not proceed if they were considered on a case-by-case basis;
- potentially distorting infrastructure decisions by states and territories, leading to projects being pursued that would not stand on their own merits;
- the possibility that both privatisations and infrastructure projects will be rushed without appropriate public consultation, safeguards, corporate structures and regulatory arrangements in place;
- the potential to create inequitable outcomes between states and territories, as the scheme unfairly benefits those jurisdictions which currently have assets for sale or that are prepared for sale, rather than those jurisdictions where the infrastructure is most needed.

The committee is recommending that the link between privatisation and infrastructure funding under the Asset Recycling Initiative be removed, ensuring states and territories consider the merits of privatisation on a case by case basis, and fund infrastructure projects based on community and
economic need. The Commonwealth could contribute funding based on the merit of proposed projects while considering a more equitable distribution of funds across states and territories, based on need.

I commend the report to the Senate.

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

Leave granted; debate adjourned.

Parliamentary Joint Committee on Intelligence and Security Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:27): On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the report on the review of the declaration of al-Raqqa province in Syria, together with the minutes of proceedings of the committee and the transcript of evidence.

Ordered that the report be printed.

Senator FAWCETT: I move:

That the Senate take note of the report.

I seek leave to incorporate the tabling statement in Hansard.

Leave granted.

The document read as follows—

I am pleased to present the committee's report on its review of the declaration of al-Raqqa province, Syria, for the purposes of section 119.2 of the Criminal Code.

Section 119.2 of the Criminal Code makes it an offence to enter, or remain in, an area of a foreign country declared by the foreign minister. There are exceptions to this offence for persons entering declared areas solely for one or more of the 'legitimate purposes' listed in the code, including for the purposes of humanitarian aid or visiting family members.

Al-Raqqa province is the first area to be declared for this purpose following the passage of the Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014.

As a result of amendments to that bill recommended by the committee in its October 2014 report, the committee is able to review all declarations made under the new laws within the 15 sitting day disallowance period.

The committee's ability to review declarations is a significant additional safeguard for the declared area offence. Through its reviews, the committee will focus on ensuring that declarations are justified, that the boundaries of declared areas are appropriately drawn, and that declarations are clearly communicated.

Advice provided to the committee indicated that al-Raqqa province meets the required threshold for declaration—that a listed terrorist organisation is 'engaging in a hostile activity' in the area—against all the relevant criteria.

Al-Raqqa was described as the de-facto capital of the Islamic State of Iraq and the Levant (ISIL) and the base from which much of its operations are directed.

The atrocities being committed by ISIL, also known as Da'esh, in Syria are well known to the committee and broader community. The organisation has control of al-Raqqa province, which is the centre of its sphere of influence.

The committee considered the declaration of al-Raqqa province to be well within the scope of what the declared area offence was intended to target.
The committee is therefore satisfied that the declaration of al-Raqqa province is appropriate, and has recommended that the legislative instrument declaring al-Raqqa province for the purposes of section 119.2 of the Criminal Code not be disallowed.

During its review, the committee noted there were other parts of both Syria and Iraq that were likely meet the threshold for declaration, at least temporarily, due to hostilities committed by Da'esh. To be effective, however, the committee accepted that it is necessary for declared areas to be relatively stable, with highly specific boundaries that are easily communicated to the public.

The committee has also recently started its review of a second declared area involving Da'esh—the Mosul district of Ninewa province, Iraq—which was declared by the foreign minister on 2 March 2015.

The committee has noted the activities that have been undertaken by the government to inform the community about both the declaration of al-Raqqa province and the declared area offence more generally. The committee considers that a sustained effort will be required to inform the community about the risks associated with travel to conflict zones.

The committee also considers that the government should continue its advocacy, both bilaterally and multilaterally, for action against the threat posed by foreign fighters.

I commend the report to the Senate.

Senator FAWCETT: I seek leave to continue my remarks later.
Leave granted; debate adjourned.

Parliamentary Joint Committee on Human Rights

Report

Senator FAWCETT (South Australia—Deputy Government Whip in the Senate) (16:27): On behalf of the Parliamentary Joint Committee on Human Rights, I present the 20th human rights scrutiny report of the 44th parliament, together with the minutes of proceedings of the committee and the transcript of evidence.

Ordered that the report be printed.

Senator FAWCETT: I move:
That the Senate take note of the report.

I seek leave to incorporate the tabling statement in Hansard.

Leave granted.

The document read as follows—

I rise to speak to the tabling of the Parliamentary Joint Committee on Human Rights’ Twentieth Report of the 44h Parliament.

This report provides the committee's view on the compatibility with human rights as defined in the Human Rights (Parliamentary Scrutiny) Act 2011 of bills introduced during the period 23 February to 5 March 2015, and legislative instruments received during the period 13 and 26 February 2015. The report also includes consideration of legislation previously deferred by the committee, as well as responses to issues raised by the committee in previous reports.

Of the 19 bills considered in this report, 13 are assessed as not raising human rights concerns and six raise matters requiring further correspondence with ministers. The committee has deferred its consideration of the remaining bills. There are no instruments listed in this report as raising any human rights concerns.

This report includes the committee's consideration of the Attorney-General's response to the Telecommunications (Interception and Access) Amendment (Data Retention) Bill 2014. The
committee's initial analysis of the bill acknowledged the fundamental and legitimate interest of government in ensuring there are adequate tools for law enforcement agencies to ensure public safety and the ability for victims of crime to have recourse to justice. Having accepted the important and legitimate objective of the bill, the committee raised a number of issues going to the proportionality of the scheme in support of that legitimate objective. The Attorney-General response provided further information in response to the committee's initial scrutiny analysis. Some committee members considered the Attorney-General's advice addressed many of their concerns, while some other committee members remained concerned about the proportionality of the scheme as proposed. The difference of views within the committee reflects the inherent difficulty of assessing proportionality. Nevertheless, the report provides a useful assessment for senators of the bill's compatibility with Australia's international human rights obligations.

This report also includes the committee's scrutiny of the Migration Amendment (Maintaining the Good Order of Immigration Detention Facilities) Bill 2015. This bill raises a number of questions about whether the powers in the bill, as currently drafted, are appropriately circumscribed. Reference is made in the statement of compatibility to a number of safeguards around the use of force which are to be included in policies and contracts with immigration detention service providers, but which are not included on the face of the legislation. The committee intends to write to the Minister for Immigration to ask him to provide further information as to whether the bill, as currently drafted, is compatible with a number of human rights, to help inform the committee's examination of the bill for compatibility with human rights.

I also wish to make some brief remarks about the Defence Trade Controls Amendment Bill 2015 which includes a number of statutory exceptions to offences which reverse the evidential burden of proof. In doing so, it limits the presumption of innocence which usually requires the prosecution to prove each element of a criminal offence beyond reasonable doubt. Of course, reverse burden offences will not necessarily be inconsistent with the presumption of innocence provided they are within reasonable limits and are necessary. While the committee accepts that the offences in this bill seek to achieve a legitimate objective, it is concerned that it may not be reasonable to impose an evidential burden on the defendant in relation to all of the matters set out in the proposed defences. In particular, the bill would require the defendant to raise proof that a country is one that is specified in a legislative instrument or that a country is a participant in certain groups, such as being a partner in the Missile Technology Control Regime. This does not appear to be, in the committee's view, a reasonable reversal of the burden of proof, as such matters would seem to be more properly within the knowledge of the prosecution. The committee intends to write to the Minister for Defence to bring to his attention the committee's human rights concerns with this aspect of the bill so as to help inform the committee's examination of the bill.

In conclusion, the report outlines the committee's examination of the compatibility of these bills with our human rights obligations, and I encourage my fellow Senators and others to examine the committee's report to better inform their consideration of proposed legislation.

With these comments I commend the committee's Twentieth Report of the 44th Parliament to the Senate.

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

Leave granted; debate adjourned.

Joint Standing Committee on National Capital and External Territories

Government Response to Report

Senator PAYNE (New South Wales—Minister for Human Services) (16:28): I present the government's response to the report of the Joint Standing Committee on the National
Capital and External Territories on its inquiry into the future of Norfolk Island. I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

Australian Government Response to the Joint Standing Committee on the National Capital and External Territories report: Same country: different world - The future of Norfolk Island

PREAMBLE

The Australian Government welcomes the opportunity to respond to the report of the Joint Standing Committee on the National Capital and External Territories (Committee), titled Same country: different world - The future of Norfolk Island (the Report), published in October 2014.

The Report highlights the need to address the critical governance, infrastructure and economic issues facing Norfolk Island as a matter of urgency to mitigate further economic decline and the deterioration of living conditions for Australians living on the Island. Many of the issues considered in the consultations and in the report are longstanding and have been the subject of numerous reports, inquiries and submissions over the last 35 years. The Committee's recommendations note that Norfolk Island governance and economic reforms must occur together to give the community the greatest chance of recovery.

The Committee's recommendations are substantial and far reaching and include the end of self-government through the repeal of the Norfolk Island Act 1979 (Cth). In recommending this significant step, the Committee has recognised the provision of national, state and local government services by a single level of government drawn from a population of less than 2000 people is not viable. This theme was also reflected in a number of submissions to the inquiry.

Given the significance of the recommendations, the Hon Jamie Briggs MP, the Assistant Minister for Infrastructure and Regional Development asked the Hon Gary Hardgrave, the Administrator of Norfolk Island, to undertake a consultation process with the Norfolk Island community on each of the recommendations of the Report. The Administrator's findings have been drawn from public meetings, written submissions and personal representations from members of the Norfolk Island community, key stakeholder groups and the Norfolk Island Government and Legislative Assembly. The Australian Government's response has taken into consideration the views put forward by the Norfolk Island Government, and members of the community.

The consultation process highlighted a strong mood for reform within the community with most individuals, including some members of the Legislative Assembly, acknowledging there needs to be some change to the model of self-government. The Norfolk Island Government's own preferred model acknowledges that the current arrangements cannot sustain Norfolk Island into the future. Consultations also highlighted the need for urgent action and greater certainty in respect of future arrangements, particularly to build business confidence and encourage investment. Written submissions largely favoured repeal or amendment of the Norfolk Island Act 1979 (Cth) and the establishment of a local government model. Many of the earlier reviews and reports into Norfolk Island also favoured the establishment of a local government, supported by appropriate state and Commonwealth services.

The Norfolk Island Government's preferred model of modified self-government would continue to see the Norfolk Island both legislate for and administer state and municipal services, with the Commonwealth taking on national services only, such as immigration,
customs and quarantine. The Australian Government does not favour this approach as it will not address the governance and economic issues that have negatively impacted the Norfolk Island community and economy over time. There is broad support in the community and from the Norfolk Island Government for the Australian Government, as part of any new governance arrangements, to take responsibility for the delivery of key infrastructure projects. The Australian Government is committed to ongoing consultation with the Norfolk Island community on the process of reform and on the implementation of its commitment to extend the Australian taxation, healthcare and social security frameworks.

RECOMMENDATION 1

The Committee recommends that, as soon as practicable, the Commonwealth Government repeal the Norfolk Island Act 1979 (Cth) and establish an interim administration, to assist the transition to a local government type body, determined in line with the community's needs and aspirations. This will require the development of a new legislative framework.

Agreed.

The Australian Government supports the Committee's recommendation to change the current governance arrangements and proposes to transition the current Legislative Assembly to a Regional Council. The Australian Government notes through the consultation process undertaken by the Committee and subsequently by the Administrator, there is broad support from the community to alter the current arrangements for self-government. However, to maintain current service delivery and administrative infrastructure while the transition takes place, the Australian Government will amend rather than repeal the Norfolk Island Act 1979 (Cth). This will allow the Norfolk Island Administration and associated entities, including the Norfolk Island Government Business Enterprises to continue to provide services to the community during this transitional phase. The Assistant Minister will hold delegations for Norfolk Island during the transition period and ensure an interim Advisory Council is established, drawn from the community, to advise him on decisions during that period.

Australian Government response to the Joint Standing Committee On The National Capital And External Territories report

Same Country: Different World - The Future Of Norfolk Island

RECOMMENDATION 2

The Committee recommends that formal mechanisms for community consultation be established which allow for regular and ongoing communication between any transitional administration and the community about the reform process and new governance arrangements.

Agreed.

The Australian Government agrees the Norfolk Island community must have an ongoing voice in governance and in government. This will be achieved through the establishment of a locally elected Regional Council. The Council will be established as soon as practicable, but in the interim, the Australian Government will establish an Advisory Council with community representation to guide the transition process. Formal mechanisms will be established for the Administrator and the Advisory Council to consult with the community on key issues, including those related to the introduction of taxation, healthcare and social security arrangements and on the establishment of a Regional Council. A Taskforce has been established within the Department of Infrastructure and Regional Development with representatives from key Australian government agencies including the Treasury, the Department of Social Services, the Department of Human Services, the Department of Health, the Department of Agriculture, the Department of Immigration, the Australian Customs and Border Protection Service and the Australian Taxation Office to support the transition process and the ongoing process of community consultation on reforms.
RECOMMENDATION 3

The Committee recommends that the Commonwealth Government assume responsibility for the Cascade and Kingston Pier upgrades and that the Commonwealth Government expedite the works in line with Australian standards and occupational health and safety requirements, as soon as practicable.

Agreed.

This recommendation is agreed subject to the transfer of $13 million in funding from the Community Development Grants Programme to the Services to Territories outcome (Outcome 4) in the Department of Infrastructure and Regional Development.

The Australian Government notes that, notwithstanding its original grant application under the Regional Development Australia Fund, the Norfolk Island Government is of the view the current proposal: "...will not facilitate containerisation or reliable cruise ship processing - this will only be attained by constructing an enclosed harbour facility or at very least a west side port to complement existing Kingston and Cascade Jetties."

Australian Government response to the Joint Standing Committee On The National Capital And External Territories report

Same Country: Different World - The Future Of Norfolk Island

The community consultation process highlighted a divergence of views on the long term needs of the community and the feasibility of further port or safe harbour infrastructure. However, there was acceptance this project should continue in some form to address the immediate and urgent needs of the community. Further scoping and feasibility studies will need to be undertaken to identify the optimum solution, taking on board heritage and environment considerations and the condition of other related infrastructure such as roads.

RECOMMENDATION 4

The Committee recommends that the Commonwealth Government purchase multipurpose barges for use on Norfolk Island in conjunction with upgrades made to Cascade and Kingston Piers. Barge use must be integrated into the design and functionality of the upgrades.

Agree in principle.

The Australian Government supports the Committee’s recommendation to improve passenger and cargo access to the Island and notes the importance of the cruise shipping industry to the Norfolk Island economy. However, this component of the broader Cascade/Kingston project remains unfunded by the Norfolk Island Government. This recommendation is agreed in principle subject to the outcomes of re-scoping of the project for the Kingston and Cascade piers and consideration in a future budget context.

RECOMMENDATION 5

The Committee recommends that the Commonwealth Government ensure that, as part of the new governance arrangements, the public road infrastructure on Norfolk Island is assessed against current Australia-wide design, building and engineering standards and, where needed, work is undertaken to remedy deficiencies.

Agree in principle.

The maintenance and management of road infrastructure should continue to be an on-island responsibility in line with the responsibilities of a Regional Council. The Australian Government will work with the Administrator and the Advisory Council on the development of a long term roads strategy for Norfolk Island. The network of Norfolk Island roads has significantly deteriorated and it will take a considerable period of time and capital for these matters to be redressed. A long term 10-20 year strategy will include an assessment and prioritisation of remediation of existing roads and capital funding and the development of appropriate design guidelines based on local conditions and usage of
the roads. The Administrator will seek state government expertise, as appropriate, to assist in this process. This recommendation is agreed in principle, subject to funding in a future budget context.

Australian Government response to the Joint Standing Committee On The National Capital And External Territories report

_Same Country: Different World - The Future Of Norfolk Island_

**RECOMMENDATION 6**

_The Committee recommends that the Commonwealth Government appoint officers in the transitional administration to strengthen Norfolk Island’s economic and human resource capacity. Officers from Commonwealth agencies like Tourism Australia and Austrade should be tasked to provide advice and support to define the tourist market, develop tourist product and promote and market tourist and other products and services, including new ones._

_Agreed._

The Australian Government agrees building on-island capability is critical to the effective delivery of services and to broader economic development. Through the Commonwealth Financial Officer posted on-island, the Australian Government continues to support the development of financial management capability within the Norfolk Island Administration. Successive funding agreements between the Australian Government and Norfolk Island have supported the capability building and public sector reforms and the Australian Government will continue to work with the Norfolk Island Administration to build services and capability. The Australian Government has also invested in a framework for improving the management of Government Business Enterprises and as part of the transition arrangements, will appoint an Executive Director to provide administrative oversight of the Norfolk Island Administration and associated entities.

Austrade and the Department of Infrastructure and Regional Development will work together to identify new opportunities for tourism and to undertake targeted research to better define tourism markets, inform a tourism strategy and identify opportunities for growth. Austrade will provide strategic advice to the Norfolk Island Government Tourist Bureau and assist in the brokering of broader relationships within the tourism industry including with Tourism Australia and key industry bodies.

**RECOMMENDATION 7**

_The Committee recommends that the Commonwealth Government provide a dedicated officer to assist Norfolk Island cottage industry owners and operators to brand their products, set up a cooperative shopfront, and look at ways to market and export their products._

_Agree in principle._

This recommendation is agreed in principle, subject to consideration in a future budget context. In the interim the Australian Government, through the Office of the Administrator, will support an economic development strategy for Norfolk Island. The strategy will be guided by the interim Advisory Council, and an economic advisory group drawn from key stakeholders. The development of new niche markets and the diversification of the retail sector on Norfolk Island will be critical to tourism development. Strategies which support Australian Government response to the Joint Standing Committee On The National Capital And External Territories report

_Same Country: Different World - The Future Of Norfolk Island_

local products, the development of a unique brand and contribute to main street revitalisation are important components of an expanded tourism industry.

The development of local products will be a key component in increasing the tourism value to the Island and the Australian Government will identify ways to support the development of capability in local businesses to create market-ready products and services for niche markets.
RECOMMENDATION 8

The Committee recommends that the Commonwealth Government take charge of the psyllid eradication effort on Norfolk Island, and that responsibility for quarantine control matters be transferred to the Commonwealth of Agriculture, Fisheries and Forestry.

Agreed.

The Australian Government acknowledges this is more properly a national responsibility and a small jurisdiction such as Norfolk Island cannot sustain adequate and effective quarantine and border control arrangements. As a first step in supporting more effective quarantine arrangements, the Australian Government has provided $1.5 million for the conduct of a pest and diseases survey to identify potential quarantine and biosecurity issues. The Australian Government has also worked to build capability on-island and improve the effectiveness of current quarantine arrangements through the gifting and deployment of a trained quarantine detector dog.

The pest and diseases survey identified the presence of the potato and tomato psyllid on Norfolk Island. This insect poses significant biosecurity concerns and is a potential threat to the food supply on the Island. The Australian Department of Agriculture has provided advice to the Norfolk Island Administration on the management of this pest however a management or eradication regime is yet to be implemented.

The Australian Government agrees that the Norfolk Island Government lacks the capacity to effectively address this issue and the Departments of Agriculture and Infrastructure and Regional Development will work together to identify the best options for addressing the current infestation. Consideration will also be given to the Australian Government's role in the management of other introduced pests such as Argentine Ants, the Paper Wasp and the Asian House Gecko.

Finance and Public Administration References Committee

Membership

The ACTING DEPUTY PRESIDENT (Senator Smith) (16:28): The President has received a letter from a party leader seeking variations to the membership of a committee.

Senator PAYNE (New South Wales—Minister for Human Services) (16:28): by leave—I move:

That Senator Siewert replace Senator Rice on the Finance and Public Administration References Committee for the committee’s inquiry into the Indigenous Advancement Strategy tendering processes, and Senator Rice be appointed as a participating member of the committee.

Question agreed to.

BILLS

Limitation of Liability for Maritime Claims Amendment Bill 2015

First Reading

Bill received from the House of Representatives.

Senator PAYNE (New South Wales—Minister for Human Services) (16:29): I move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator PAYNE (New South Wales—Minister for Human Services) (16:29): I move:
That this bill be now read a second time.
I seek leave to have the second reading speech incorporated in Hansard.
Leave granted.

The speech read as follows—

LIMITATION OF LIABILITY FOR MARITIME CLAIMS AMENDMENT BILL 2015

Introduction
To ensure international shipping continues to be an economically viable proposition, shipowners are generally entitled to limit their liability in respect of claims arising from damage caused by their ships. This means that if a ship is involved in an incident which causes damage to persons, property or the environment, there is a limit on the maximum amount of compensation that a court can order the shipowner to pay.

The maximum liability of a shipowner is usually calculated based on the size of the ship involved in the incident and has no relationship to the amount of damage caused by the incident.

The rationale for allowing shipowners to limit their liability in respect of ship-sourced damage is to encourage shipping and trade. This involves balancing the competing objectives of compensating anybody who suffers loss or damage caused by shipowners or their representatives, while ensuring that ship operators are able to access commercially available insurance to cover their liability for that damage.

Australia is a Party to the 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims, which allows a shipowner (including the charterer, manager and operator of the ship) or salvor to limit the total amount they can be required to pay for damage caused by the ship, the shipowner or the salvor. Limits are specified for two types of claims: those for loss of life or personal injury; and those for other claims, such as damage to ships, property or harbour works. The limits are based on the gross tonnage of the ship, with larger ships having higher limits. It is administered by the International Maritime Organization, a specialised agency of the United Nations.

Other international maritime conventions adopt the limits of liability in the 1996 LLMC Protocol and apply them to shipowners for the purpose of limiting their liability under those conventions, including the International Convention on Civil Liability for Bunker Oil Pollution Damage which limits the liability of shipowners for pollution damage caused by bunker oil spills and requires shipowners to maintain liability insurance in respect of such damage up to the limit of their liability.

Purpose of the bill
The purpose of the bill is to implement amendments to the 1996 LLMC Protocol which will come into force on the later of either the day this act receives the Royal Assent and 8 June 2015. The bill will increase the liability limits for ship owners and salvors for maritime claims relating to ship-sourced damage to more adequately reflect the costs of such incidents.

Australia was the leading advocate of increasing the liability limits under the 1996 LLMC Protocol. A proposal to increase the limits was brought forward at the IMO by Australia following the Pacific Adventurer incident off the Queensland coast on 11 March 2009, which involved a bunker oil spill. The costs for cleaning up the spill were estimated at $34 million. However, under the 1996 LLMC Protocol (and therefore under the LLMC act) the shipowner was legally entitled to limit its liability to approximately $17.5 million. The 1996 LLMC Protocol uses 'Special Drawing Rights' to quantify the liability limits. Based on conversion rates as at 5 February 2015, the financial liability for a medium sized vessel of 50,000 Gross Tonnes "in respect of claims for loss of life or personal injury" amounts to an increase of approximately $AUD 33,600,000. A claim for the same sized vessel made "in regard to any other claims" amounts to an increase of approximately $AUD 16,800,000.
Conclusion

Ensuring the LLMC liability limits are raised in Australia as soon as they enter into force will reduce
the risk of having to seek an increase to the Protection of the Sea Levy in the event that the shipowner’s
liability and/or insurance for an incident is insufficient or absent.

I commend the bill to the Senate.

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

Leave granted.

Ordered that further consideration of this bill be adjourned to the first sitting day of the
next period of sittings, inaccordance with standing order 111.

MOTIONS

Coal Seam Gas

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:30): At the request of
Senator Siewert, I move:

That the Senate—
(a) notes:
(i) the negative impacts of coal and coal seam gas mining on Australia's environment, including
prime agricultural land and water, and the wellbeing of regional communities, and
(ii) the concerning relationship between these mining activities and political corruption, particularly
in New South Wales, as evidenced by the findings of the Independent Commission Against Corruption;
and
(b) calls on all parties contesting the New South Wales state election to commit to a ban on coal and
coal seam gas mining.

This is an absolutely critical motion for the Senate to consider. I have been in politics for over
25 years, and I have got to the point where I do not believe that we live in a democracy
anymore. We are living in a plutocracy in Australia—that is, government by the wealthy in
the interests of the wealthy. I have now got to the point where I recognise that we can vote,
we can march, we can write letters, we can make calls, we can post tweets, but, as long as the
rich few can buy the political process, there is very little hope.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Smith): Order! I remind senators that
the standing orders require that senators will be heard in silence.

Senator MILNE: Thank you, Mr Acting Deputy President. As I said, to get our country
back, to give ourselves a chance, we have to restore the health of our democracy. We need to
educate everyone to put up in lights just how big business and wealthy individuals use their
money and connections to take and retain power. That is precisely what has happened in
Australia, particularly with regard to resource extractive companies. It has been the case for a
very long time. I got into politics on this very issue, when North Broken Hill ran the
Tasmanian Liberal government under the then Premier, Robin Gray. It got to the point where
North Broken Hill, holed up in what was then the Sheraton Hotel, issued a press release on
North Broken Hill letterhead recalling the Tasmanian parliament to get it to pass doubts
removal legislation that would give North Broken Hill all the rights to pollute and do as it
liked in Tasmania.
That is what has happened over the years in Tasmania—crony capitalism. Quentin Beresford has just written a brilliant book, *The Rise and Fall of Gunns Ltd*, that documents how the timber company North Broken Hill, in cahoots with a whole lot of people in government and in Forestry Tasmania, destroyed democracy in Tasmania for a long time. The governments of Tasmania became the puppets of the forest industry. I would argue that that same cronyism between resource based companies and parliament has existed in New South Wales for some time. It got to the point in Tasmania in 1989 where the graffiti all over the state was: 'Vote 1 North Broken Hill and cut out the middle man'. That is what people thought about the role of the parliament. You could do that in New South Wales right now. You could say: 'Vote 1 coal seam gas, Vote 1 coal and cut out the middle man in the New South Wales parliament', because effectively that is what has occurred.

We heard the same sort of attitude today in question time, when my colleague Senator Janet Rice from Victoria asked the government to explain how it is that the proponents of the East West Link in Victoria drafted the letter for the Liberal government of Victoria to sign. The letter said that they would be granted compensation if the East West Link did not proceed, because they thought there was a likelihood that the Liberals would not win the election. We asked a serious question about corruption—how else would you describe it?—and Minister Cash stood in here and laughed and shouted and failed to address the question, even though she was brought back to it three times. I happen to think it matters that the corporations that were proposing a road for which Infrastructure Australia said there was no business case wrote the letter to deliver themselves that level of compensation, and it was signed off by a Victorian Liberal Premier. Of course, the Liberal Party lost the election and the road will not proceed. This is exactly what has happened in New South Wales, and that is where I go now.

It is not just the Greens saying it. The New South Wales Independent Commission Against Corruption, ICAC, put out a shocking report in October 2013 entitled *Reducing the opportunities and incentives for corruption in the state's management of coal resources*. That ICAC report found shocking levels of corruption and incentives for it in New South Wales under what was then a Labor government but that continues now, I would argue, under a Liberal government. We have corruption in New South Wales. There is no other way that you can describe the absolutely disgraceful behaviour.

The investigation in Operation Jasper followed an allegation made by a private individual in February 2011 that confidential information regarding the tender process for awarding the Mount Penny coal tenement had been leaked to the Obeid family. As part of that investigation, the commission examined the circumstances surrounding a decision made in 2008 by the Hon. Ian Macdonald MLC, then Minister for Primary Industries and Minister for Mineral Resources, to grant a coal exploration licence to Cascade Coal Pty Ltd and the circumstances relating to the tendering process and the way in which the tender bids were assessed.

The commission found that Mr Macdonald's corrupt conduct was motivated by an agreement with the Hon. Edward Obeid Senior and Moses Obeid to financially benefit the Obeid family. Mr Macdonald, Edward Obeid and Moses Obeid were found to have engaged in corrupt conduct by conspiring to defraud in the creation of the Mount Penny tenement. The commission also discovered that several co-investors, including Travers Duncan, John
McGuigan, John Atkinson, John Kinghorn and Richard Poole, had engaged in corrupt conduct to obtain financial advantage by deception—and on and on it goes. The commission said:

In preparing this report, the question facing the Commission was not simply how the state's policy and regulatory framework could allow … ELs—

exploration licences—

of great value to be corruptly provided to favoured recipients, but how it could have been so easy to do so.

It is inconceivable that in any other portfolio area of government such value could corruptly be transferred from the state to favoured individuals with such relative ease.

That is the definition of plutocracy. New South Wales is not a democratically governed state; it is a plutocracy where the rich buy what they need through corruption in the political process. That is not found by the Greens; it is not an allegation; it is proven in this report by ICAC. Read it. It goes on to explain corrupt deal after corrupt deal. When you look at this, it is why we are moving today to call on all parties contesting the New South Wales state election to commit to a ban on coal and coal seam gas mining but also to note the concerning relationship between these mining activities and political corruption.

I go to the political corruption. Just have a look at the disgraceful and appalling behaviour that has given us Whitehaven and has given us the Maules Creek mine and the loss of the irreplaceable Leard forest. This goes absolutely to the heart of corruption. You had Mark Vaile, former National Party Deputy Prime Minister of Australia, who is now Chairman of Whitehaven Coal. Before that, however, he was also chair of Nathan Tinkler’s company Aston Resources. Evidence tendered at ICAC reveals allegedly prohibited donations passed between the Aston Resources board and Chris Hartcher, through the Free Enterprise Foundation and eventually to the New South Wales Liberal Party, and that ministers who received donations allegedly assisted various Tinkler developments through the planning process. It is alleged that Aston donations to the National Party were made at the suggestion of the chairman of its board, Mark Vaile. That is just appalling, but that just tells you where the Nationals have come from and have been and remain in New South Wales when it comes to coal seam gas and coal. They are in it as much as the Liberal and Labor parties in delivering for coalmines and coal seam gas companies to the detriment of the community.

I am going to talk about the detriment to the community. I have sat at kitchen tables. I have been out to the Liverpool Plains. I have talked to people in the Hunter Valley. I have been onto some of those horse studs in the Hunter Valley. People have just looked at me and said they just cannot understand how it is possible that this would occur. And now we have the New South Wales Premier saying that he has delayed 16 new coalmines in the Upper Hunter. 'Delayed'? What does that mean? That means until after the election. I ask you: what will happen then to those 16 mines in the Upper Hunter?

It is the same with coal seam gas. We have a situation where the New South Wales government enabled the companies to get the licences in spite of absolutely shonky assessments in relation to impacts on water and impacts on prime agricultural land. It is just disgraceful that we would be doing this at a time when the international community, the Intergovernmental Panel on Climate Change, has said we are facing an urgent crisis with global warming and two-thirds of all fossil fuel resources have to stay in the ground. 'Stay in
the ground’ means not extracting coal seam gas and not expanding coalmines and coalmining around the country. The Galilee Basin should stay as it is: no mines in the Galilee Basin.

And yet there are very serious questions about the arrangements that were previously made under the Newman government in Queensland: Jeff Seeney and Adani. That will come out eventually, no doubt. But there are serious allegations being made about who reversed decisions in Queensland, that will come out eventually, no doubt. But there are serious allegations being made about who reversed decisions in Queensland, who fast-tracked the process and what they got for it.

But I return to New South Wales, where again, even at the federal level, you have all this doublespeak. Former minister Tony Burke gave approval to the Gloucester CSG licence, the biggest coal seam gas licence in New South Wales, delivered by Labor, saying, ‘Oh, look, I had concerns about it,’ but, because the New South Wales minister decided to leak a letter, he had to announce the approvals and has no idea whether it is going to go ahead or not. And now all those communities are stuck with it. All those communities have had to suffer because of the corrupt behaviour of the New South Wales minister, going out there and leaking it, and then the federal minister going ahead and granting the approval.

But I come back to Maules Creek and the offsets. The Commonwealth, under EPBC, had to guarantee the offsets that were there for the Leard forest, for those irreplaceable, critically endangered species. They had to have the appropriate offsets. They did not have them. The Commonwealth had the capacity to say, ‘No, the offsets don't exist,’ pick up the company and take them to court for misleading under EPBC—for putting in documents which did not provide the offsets.

Someone here in this federal government under Minister Hunt, whether it was Minister Hunt himself or the bureaucracy, decided not to take them to court and not prosecute them. I ask why not? Why weren't they prosecuted? At estimates nobody would own up to who actually made that decision. Which person? Was it the minister? He must ultimately take responsibility because this is a democracy in which ministerial responsibility, if it means something, means you have to have accountability.

How do you think people who are suffering as a result of corruptly granted licences feel about the Commonwealth deciding not to prosecute the company involved when the company has clearly misled the community on the offsets, and we are going to lose irreplaceable, critically endangered species? Again, I have been out there to look and it is absolutely the case. The Leard forest will be lost, and the offsets are nothing like the vegetation types that are required to sustain ecosystems there.

That is why we are saying that, at the highest level, coal and coal seam gas should stay in the ground because of the impacts of global warming. More particularly, we are highlighting the corrupt culture that has extended through the Liberals, the Nationals and the Labor Party in New South Wales. No amount of saying it has not changes the fact that if there was real justice in New South Wales then we would see every single one of those corrupt licences that have been given cancelled. Why haven't they been cancelled? Instead, bad behaviour has been rewarded. They are proceeding and Mark Vaile is going to make a great deal of money out of the fact that he is proceeding on the board of Whitehaven with a mine that should never have been allowed to proceed. How is that just and fair in Australia? Well, it is not. It goes back to my point: government by the wealthy, for the wealthy, through the corrupt processes set out by ICAC. The Greens join with ICAC in the question: how is it possible that this could have
happened in New South Wales? It is inconceivable that such value could be corruptly transferred from the state to favoured individuals with such relative ease.

We have to get serious about this. It is no laughing matter when corruption is brought to the attention of governments. What we saw today in question time was disgraceful behaviour. But it will come out eventually. The relationship that we raised today between the proponents of East West Link and the former Liberals in Victoria will come out eventually. The grossly corrupt behaviour of the Labor Party and the Labor ministers in New South Wales has already come out, about how they were involved in the granting of licences to coalmining. Equally, the corrupt behaviour of the Liberal Party has come out through ICAC and that dodgy trail of political donations to get where they are. As I said before, it went through Aston Resources, Boardwalk Resources, Chris Hartcher, Free Enterprise Foundation and eventually the New South Wales Liberal Party. That is how the money trail went—clear as anything that that is the case. These were donations which should not be allowed.

Yet, we now have the Shenhua Watermark coalmine on the Liverpool Plains. Of course, everyone is seeing the deferred approval for Shenhua as a way of stopping this ahead of the New South Wales election. This should be cancelled. The licence should be cancelled. We know the amount of money involved in this Shenhua proposal. For example, it was granted a mining exploration licence by the former Labor mining minister Ian Macdonald, who has been found to be corrupt after Shenhua paid $300 million to the New South Wales government. Part of this commercial agreement saw Shenhua agree to a further payment of $200 million on the granting of its mining licence. Shenhua paid $300 million and was going to pay another $200 million when the licence was granted to a minister who is known to be corrupt. Why hasn't the Shenhua licence been cancelled? If there is any justice, that Shenhua licence should be cancelled. That is why we are standing here today on this very, very serious matter.

We have to end the connection between political donations and licences for coal and coal seam gas. We have to look after our agricultural land and water and regional communities. Food security in an age of global warming is critical. We are going to see the loss of crops and food around the world because of extreme weather events. Just as oil was one of the critical resources of this last century, food will be the critical resource of this century. Therefore, agricultural land and water are essential. Food is the oil of this century; land and water are the gold of this century. There will be resource wars in this century, but they will not be over coal; they will be over land and water to sustain ecosystems and grow food. Please, consider this corruption case. Consider why it is essential to ban political donations from these coal and coal seam gas companies. Get some justice for people and let's restore our democracy from its plutocracy.

Senator SESELJA (Australian Capital Territory) (16:50): I am happy to speak against this motion. As I was listening to Senator Milne, I was reminded of some of the talk about the ferals in the Senate that we have heard in recent times. This is a motion that would seek to make ferals of us all. It is the sort of motion that is part of the Greens overall agenda to shut down the coal industry that will send us all back to the caves. The ferals would well and truly be in charge if we were to support a motion like this and if any sensible political party were to take the advice of the Greens on this issue. Let's be clear: the Greens are anti coal. They are anti gas. They are anti mining of any sort. They are anti roads, as we heard today. They are
anti-new houses. They are anti development. They are anti jobs. We all know it to be true. It
think it was Warren Mundine who recently challenged the Greens to point to anywhere in the
country where they might support a new mining project, and they would not point to one. So
they are happy to have the iPhones that come from mining, the cars that come from mining
and all of the development that comes from mining, but they are anti it all. They would see
the jobs of tens of thousands of Australians thrown down the gurgler if we were to accept this
motion. If we were to accept this motion, we would be condemning the state of New South
Wales to a bleak economic future indeed.

Before I got into some of the economic impact that such an approach as the Greens are
calling for in this motion would have, I think it is worth talking about political donations,
which Senator Milne spoke a lot about. There was no mention of Graeme Wood, no mention
of the $1.6 million donation—the largest in political history in Australia—to the Greens,
which they were very grateful for. Bob Brown was very grateful.

Senator Milne: Mr Acting Deputy President, I rise on a point of order. Senator Seselja is
misleading the Senate by not indicating that that donation went through the Electoral
Commission and was appropriately declared, not hidden like the ones to the Liberal Party.

The ACTING DEPUTY PRESIDENT (Senator Smith): There is no point of order.

Senator SESELJA: I can see the sensitivity; you mention Graeme Wood and the Greens
are immediately on their feet. They do not want to talk about the $1.6 million donation which
Bob Brown said he was 'eternally grateful' for. I think they are also eternally grateful for the
donations they get from the CFMEU. They get the donations from the CFMEU and they back
it up by opposing efforts to stamp out corruption and lawlessness on building sites. They get
the donations from the CFMEU and respond very strongly with their vote, because they do
not support efforts to clean up our building sites, to get rid of corrupt behaviour on our
building sites, to get rid of unlawful, thuggish behaviour as we have been hearing about just in
the law few days on our building sites around the country. So forgive me if I will not take
advice from the Greens on some of these issues.

But let's go to the economic impacts. I will deal with the coal seam gas issues, but this
motion calls on the parties in the New South Wales election to ban coalmining and coal seam
gas. I am going to deal with both. Before I go into some of the regulation of coal seam gas in
the state of New South Wales I will deal with the impacts if that advice were to be followed.
Let's have a look at the contribution of coalmining around the country and then in New South
Wales. Let's take one part of this motion. The Greens want to shut this industry down, and I
think people should know how many jobs are at stake.

Around the country there are approximately 55,000 direct jobs for Australians in the coal
industry. There are around 145,000 related jobs for Australians. That is $6 billion in wages
paid to Australian workers through the coal industry. The Bureau of Resources and Energy
Economics estimates coal is responsible for export earnings of $40 billion. It accounts for
around 15 per cent of Australia's total exports. Senator Milne gets on her feet and says she
wants to see $40 billion of export industry, $6 billion of wages and 145,000 jobs killed
through a motion like this if their policy prescription were followed.

It goes further. State treasury papers record that the coal industry was responsible for
estimate the coal industry is responsible for $17.7 billion in company tax in that same period. Think of the impact if that amount of company tax were not paid, if that amount of royalties had not been paid to the states. Who would pay for the hospitals? Who would pay for the schools? Who would pay for the roads? It is an extraordinary argument that we are hearing.

Professor Sinclair Davidson says coal's overall contribution to our economy can be estimated at up to $60 billion. This is a massive industry for Australia, and to say we can kill an industry because the Greens do not like it is absurd and should be rejected.

Coal is responsible for 34 per cent of Australia's primary energy and 75 per cent of our grid electricity. In New South Wales it accounts for 90 per cent of grid electricity. Let's have a look at New South Wales stats when it comes to coalmining. In 2012-13 $17.8 billion worth of coal was mined in New South Wales. Eighty-five per cent of that, worth $15.2 billion, was exported. More generally in mining in New South Wales, there are 40,000 jobs and $1.3 billion in royalties a year. This is the size of this industry that the Greens are now arguing should be shut down. No party deserves to be taken seriously when they come out with these kinds of statements. This would be the world according to the Greens: an industry that employs 145,000 Australians, an industry which is one of our largest exporters would be shut down. For the states we would not have the ability to fund the essential services that they need if they were just going to shut down industries and throw out jobs as the Greens would have them do.

Let's go to the issue of coal seam gas. I think the other point to make about this motion is that it also seeks to have the Senate dictate to the state of New South Wales what their policies should be. That is the other aspect of this that I object to. I do believe that the people of New South Wales should be able to decide how they use their resources, how they manage their economy, what kind of rules and regulations they put in place for environmental approvals and others. I think it is an important point to make. But, given this motion does try to dictate terms to the New South Wales government, I think it is worth looking at some of what has actually been put in place by the New South Wales coalition government.

When it comes to coal seam gas, there is no doubt that the New South Wales government wants to see things done sustainably, reasonably and using world's-best-practice standards. I think all people in New South Wales, and all Australians, do not want just to see industries completely banned; they want us to be careful, to be cautious, to ensure that we have excellent environmental standards. The former New South Wales Labor government gave out 39 petroleum exploration licences with no oversight and no regard for the environment, no regard for water or the impacts on our best agricultural land. There was no community consultation. The Baird government has taken a different approach. It has a sensible plan to manage coal seam gas and clean up the former Labor government's mess. They are buying back the licences that Labor issued without any consideration of the impact on the community—12 licences have been bought and cancelled—and they have put a freeze on new licences for 12 months. They are taking a very cautious and responsible approach to this issue.

As a result of steps taken by the Baird government, New South Wales now has the toughest CSG regulations in the country. They have put in place a moratorium on CSG exploration in Sydney's drinking water catchment, they have implemented CSG exclusion zones within two kilometres of homes and critical industries, they have mapped more than two million hectares
of prime agricultural land and protected it from CSG activities and they have banned the use of BTEX chemicals and evaporation ponds. Importantly, the New South Wales coalition government has appointed a Land and Water Commissioner to assist landowners and oversee CSG exploration. As usual, Labor caused the problem and it is up to the coalition to clean it up. As usual, the Greens are not interested in what is being done—they are simply interested in slogans and grandstanding. Unlike the Greens, the Baird government has done the hard work—it has examined the issue, discussed the issue, developed a policy and dealt with the issue. The Greens would rather just make noise in the Senate—yell and shut down entire industries that employ hundreds of thousands of Australians and that are responsible for tens of billions of dollars of economic activity and exports. The Baird government has been far more sensible than that. The coalition have a different approach from the Greens.

Going back to coal, coal is one of our largest export commodities. We are exporting to places in the world where many people do not have access to electricity. There are billions of people in the world, who the Greens do not care about, who do not have access to electricity. Exporting to those places helps to lift people out of poverty. The Greens are interjecting, but what is it about lifting people out of poverty that they object to so much? It is all very well to sit in a comfortable place with a middle-class existence in Australia and say we are going to shut down the coal industry, we are no longer going to help people out of poverty; we are not just going to put tens of thousands of Australians out of a job but we are going to forget about the hundreds of millions of people in India who do not have access to electricity. We have the opportunity to provide cheap and affordable electricity that will lift people out of poverty. Surely that is something we should be celebrating. Surely we should be proud of being able to assist. The Greens would kill all that. That is their approach to people living in abject poverty around the world. That is the other aspect of this issue that is worth mentioning. As I said at the start, the Greens would have us shut down entire industries—under the Greens approach the ferals would be well and truly in charge.

I turn to the national regulations on CSG. The Commonwealth government is also committed to ensuring strong and appropriate regulations for CSG mining. Through the Environment Protection and Biodiversity Conservation Act the government is able to use the water trigger to assess coal-seam gas and large coal mining developments that are likely to have a significant impact on water resources on a national level. The water trigger was introduced in June 2013, so the protection of water resources was made a matter of national environmental significance. As a result of the introduction, the minister can set appropriate conditions as part of the project approval to ensure any impacts from these projects on a water resource are acceptable. Since 2012 these projects have been referred to the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Developments for advice on the likely impacts on water resources. The minister takes this advice into consideration when making a final decision on approval. As at 31 January 2015 the IESC has provided advice in response to 14 requests from government regulators on coal seam gas projects—eight in Queensland, five in New South Wales and one in South Australia. Regional scale assessments of coal seam gas and large coal mining developments across New South Wales, Queensland, South Australia and Victoria and other research will address key knowledge gaps, provide base line information and inform an integrated understanding of the cumulative impacts that coal seam gas and large coal mining developments have on water.
related assets. The priority areas of research are hydrology, ecology and chemicals associated with hydraulic fracturing.

Research is also being undertaken by the CSIRO to improve the understanding of greenhouse gas emissions from coal seam gas production. The data collected from coal-seam gas activities will inform future updates to Australia's National Greenhouse Gas Inventory and methods used for the National Greenhouse and Energy Reporting System. Despite bringing in the water trigger, Labor never employed it. Conversely, this government has applied the water trigger to over 50 projects since taking office.

**Senator Waters:** You passed legislation to get rid of it.

**Senator SESELJA:** I am not sure the Greens heard what I just said.

**The ACTING DEPUTY PRESIDENT (Senator Lines):** Order! Senator Seselja has the right to be heard in silence.

**Senator SESELJA:** Thank you, Madam Acting Deputy President. I am always happy if the Greens want to contribute to the debate. If they want to continue to contribute to the debate I am happy for them to, but they did not appear to hear what I just said so I will have to repeat it: Labor, who brought in the water trigger, never used it, they never employed it once. However, the coalition has applied the water trigger to over 50 projects since taking office. The Greens interjected straight away when I mentioned that, but what part of that don't they agree with? What part of that is wrong? What part of that approach don't they support?

**Senator Rhiannon:** On a point of order, Madam Acting Deputy President: the senator is being misleading. In the House of Representatives, the government has passed legislation to get rid of the water trigger. That is on the record. That is their aim.

**The ACTING DEPUTY PRESIDENT:** That is a debating point.

**Senator SESELJA:** It is a debating point. I do not think that it is appropriate for them to spuriously use points of order because they have so badly failed in getting their message across under their leader, Senator Milne. Let me repeat, because there seems to be some confusion: this government has applied the water trigger to over 50 projects since taking office. The Labor Party did not get this policy right. We have come in and taken a sensible and appropriate approach, not one of outright bans—banning the entire coal industry as the Greens are arguing for—but one of appropriate regulation and appropriate protections. That is the sensible approach—not to just kill jobs as the Greens are arguing for with this motion.

The Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development has produced 15 scientific reports informing bioregional assessments and 20 scientific reports on risks to environmental health from chemicals, on ecosystems, on water and on aquifer connectivity. Labor did not publish any of these reports. They preferred to hide the facts from the public in order to preserve their political relationship with the Greens, and the Greens were happy to swallow it. They were happy to swallow that from the Labor Party because it was in their interests—since they formed part of that government. They had no real concern; they were happy to swallow it. They did not seem to be interested in any of this.

We on this side of the chamber have taken a very different approach—a science based approach. We are getting the research done to make sure that, as we proceed, we do so carefully and cautiously. We proceed with a view to growing our economy whilst preserving prime agricultural land and protecting our natural resources. Surely that is the sensible policy
option—employing the best scientists from the CSIRO and Geoscience Australia to do the work to ensure we get it right. I know that Minister Hunt takes his responsibilities under the EPBC Act very seriously. That is in stark contrast to what we have seen from those opposite.

In looking at the hypocrisy of the Greens on some of these issues, I think Martin Ferguson, the former Labor Minister for Resources and Energy, said it best:

Their rhetoric is symptomatic of a broader malaise; our increasing inability to listen to, analyse, and properly understand the words and numbers underpinning complex policy. Slogans should not be a substitute for serious discussion or critical thinking. That is well said by Martin Ferguson. Slogans should not be a substitute for serious discussion or critical thinking, but that is all we get from the Greens. They want to shut down industries—based on slogans, not based on science.

In conclusion, to support this motion would be to support calls to shut down an industry which indirectly employs around 145,000 Australians. It is one of our largest export industries and is responsible for $60 billion of economic activity. That would be absolute economic vandalism. For all of those reasons, this misguided motion from the Greens should not be supported. (Time expired)

Senator KETTER (Queensland) (17:11): When a party comes before this place seeking to shut down an industry, I for one have grave concerns—particularly when we are talking about industries which make an incredible contribution to my home state of Queensland. Properly regulated oil and gas operations are safe and the Australian minerals and oil and gas industries have a strong compliance record. Senator Siewert's motion, spoken on by Senator Milne, makes a number of points that require a response. The motion is obviously timed to coincide with the New South Wales election and to contribute to the anti-science scare campaign currently being waged by inner-city activists.

Coal seam gas is not a well-developed industry in New South Wales. In fact New South Wales imports 95 per cent of its gas from other states. Senator Siewert's call for a ban on such mining in that state would see more CSG development across the border in my home state of Queensland and in South Australia. We always need to make sure we have the right environmental approval processes in place for mining, processing and exporting our resources, including coal seam gas and coal. These approval processes should be driven by science, by thoughtful and logical policymaking and by respectful community dialogue.

It is important to focus on the scientific evidence before us. In my last speech on coal seam gas, approximately two weeks ago, I referred to a report by Mary O’Kane, the New South Wales Chief Scientist and Engineer. She conducted an independent review of coal seam gas activities in New South Wales. That report was released in September of last year and concluded that the risks associated with coal seam gas exploration and production can be managed. With an almost identical result, the Northern Territory's inquiry—recently conducted by Allan Hawke AC—found that the environmental risks associated with some of the more contentious practices can be managed effectively, subject to the creation of a robust regulatory regime. That report was finalised on 28 November last year.

At budget estimates last year, Dr Chris Pigram, the CEO of Geoscience Australia, made comments to the effect that the concerns around the practices employed by the industry are unwarranted and 'they do not represent a problem for the community by and large'.
I would also like to make reference to the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development. It was established by the former Labor government as a statutory body under the Environment Protection and Biodiversity Conservation Act 1999—which we call the EPBC Act—in late 2012. The committee consists of eight members with extensive scientific qualifications and expertise in the fields of geology, hydrogeology, hydrology, ecology, eco-toxicology, natural resource management and environment protection.

Under the EPBC Act, the committee has several legislative functions: to provide scientific advice to the Commonwealth environment minister and relevant state ministers on the water related impacts of proposed coal seam gas or large coalmining developments; provide scientific advice to the Commonwealth environment minister on bioregional assessments, including the methodology, research priorities and projects; and publish and disseminate scientific information about the impacts of coal seam gas and large coalmining activities on water resources.

The reports by Mary O'Kane and Allan Hawke are recent, credible and independent. Along with the advice provided by Geoscience Australia and the independent expert scientific committee, I would encourage all senators to make the most of this expert research and educate themselves on this issue.

Turning to the subject of coal: Australia is fortunate to be richly endowed with a world-class supply of coal—a commodity that is essential to modern life. Coal is the world's fuel of choice for electricity, accounting for 41 per cent of all generation, because it is reliable and affordable. Australia has the fourth-largest share of proven coal reserves in the world with 110 years of black coal and 510 years of brown coal. It benefits all Australians through its contribution to exports, wages, investment and tax revenue. It is Australia's comparative advantage in coal together with other mineral and energy resources, including iron ore, that has enabled Australians to sustain the longest period of continuous economic growth in the nation's history.

The Australian coal industry employs about 50,000 people directly and also provides indirect employment for around 150,000 Australians mainly in regional locations across Australia. Australia's coal economy represents 4.2 per cent of gross domestic product or almost $60 billion. Australia's coal industry makes a significant contribution to national, state and local economies through taxes, royalties and other charges.

Coal underpins Australia's reliable and historically affordable electricity supply. Low-cost, reliable energy has been the cornerstone of Australia's economic growth and high living standards for several decades. Black and brown coal comprise Australia's principal energy source, providing 75 per cent of our electricity.

There is no solution to global baseload power generation that does not feature a major role for coal. One only need look at the International Energy Agency for some support for that proposition. Coal is very important to baseload generation, and all suggestions that coal will not play a central role in the future are not supported by the International Energy Agency.

Even under the International Energy Agency's new policy scenario, which assumes all government promises on funding renewables and building nuclear power plants are implemented, coal consumption increases by around 17 per cent through to 2035, and there is
little change in the global energy mix. Coal remains about 25 per cent or higher of primary energy demand—as it was in 1980 and has been for the past 30 years. This continues to be a 25 per cent part of the energy mix that will grow and, according to the International Energy Agency, by about 40 per cent over the next quarter century. It is important for Australia to be part of that market.

Coal fired power generation has assisted in lifting over 500 million people, principally in China, out of poverty and providing them with higher standards of living. Coal fired power generation heats homes, drives industry and makes life better for billions of people around the world. It is a critical part of Australia's portfolio of export minerals. Of course we always need to make sure that we have the right environmental approval processes in place for mining and exporting our resources, including coal. We need to make sure that those processes are transparent.

Our coal performs an important function in the global market place. Our coal is better coal and burns cleaner, and is a highly-sought after coal. High-efficiency clean coal technology is important. Coal supports many of Australia's regional communities and very many good jobs in the mining industry.

Whilst a Commonwealth ban on returning to coal seam gas would be meaningless, since we do not have a role in approving these projects, there is an important role for the Commonwealth to play. The Commonwealth needs to be working with states to, firstly, ensure that regulation in the industry is based on rigorous science, like the science provided by Mary O'Kane and Allan Hawke, rather than knee-jerk reactions; and, secondly, developing a harmonised and best-practice framework for CSG activity.

The federal government presently has environmental responsibility only if a project or activity has the potential to impact on matters of national environmental significance as defined under the EPBC Act and the Water Act.

Australia's national environment law, the Environment Protection and Biodiversity Conservation Act, was amended in June 2013 by Labor, to provide that water resources are a matter of national environmental significance, in relation to coal seam gas and large coalmining development. This means that coal seam gas and large coalmining developments require federal assessment and approval if they are likely to have a significant impact on a water resource. Proposals that have been assessed by the Commonwealth have only been allowed to proceed after careful consideration of the potential groundwater impacts.

In terms of CSG, on the last occasion that I made a contribution, I acknowledged the concerns that we heard in the Senate inquiry into certain aspects of the Queensland government administration. It is quite true that there were many landholders and their representatives who came before that committee providing evidence about treatment that they had received at the hands of some of the mining companies. I have been on record as saying—and I will say it again today—that, on occasions, those companies have not helped themselves in some of the inconsistent treatment that they have dealt to landowners in my home state of Queensland. One does need to ensure that a proper level of consultation and proper levels of regulation exist.

Nevertheless, global energy markets are being transformed by gas from coal seams, shale and tight gas. The use of CSG as an energy source is longstanding and accounts for 33 per
cent of the eastern states' domestic gas production. For example, 95 per cent of gas used in Queensland comes from CSG. CSG powers a number of domestic electric generation projects throughout Queensland, including the Origin Energy operated Darling Downs Power Station and the Brasemar 2 Power Station.

The policy challenge for state governments is twofold: to ensure the appropriate compensation of landholders for the access and use of their land, and to ensure that coal seam gas is exploited on behalf of their citizens, unlocking an important transition fuel, providing a source of employment and export income and generating a long-term revenue source through royalties and rents.

Coal seam gas exploration represents an immense opportunity for Australia, particularly regional Australia. LNG projects in Queensland's CSG-to-LNG industry are worth more than $70 billion and are responsible for almost 30,000 jobs. The policy challenge for the Commonwealth is to ensure more gas production and the best possible environmental protection.

This industry has created good, sustainable jobs, particularly in regional communities, boosted the economy at both the state and federal level and will deliver billions in government revenue. It will lift Australia's export income and provide state and Commonwealth governments with a significant source of revenue. As a cleaner alternative to coal fired power, LNG is an essential part of the global solution to reduce greenhouse gas emissions and provides many jobs and opportunities in regional Australia.

Senator RHIANNON (New South Wales) (17:25): The contributions that we have heard from the two previous senators, representing Labor and the coalition, show how enormously out of touch they are with what is happening in Australia today. There is an enormous shift in public understanding and public opinion about how we should look after our farming land, how we should protect our environment, how we should deliver our energy and where we can create jobs. The depth of misunderstanding and misrepresentation that we have heard from the two previous speakers is really breathtaking and once again underlines why this motion is so important. Yet again we are going to see Labor, Liberal and the Nationals voting together in a very backward way on such an important issue.

Senator O'Sullivan: It's called a democratic majority.

Senator RHIANNON: I acknowledge yet again Senator O'Sullivan from Queensland is here making his interjections in a way that really reinforces how out of touch he is.

Much of this motion is about the situation in New South Wales, which, along with Queensland, is to the forefront of this coal rush that is potentially set to destroy so many areas. It is worth remembering why people are so angry with the Baird Liberal-National government. This is a government which is coming forward with some shocking coal projects. While it was the former Labor government that weakened the planning process, with support from the then coalition opposition, and approved many of the exploration licences for the mines and coal seam gas projects I will deal with, it is now the Baird government that is allowing these mines to go ahead.

It is the Baird government that approved the Shenhua Watermark mine on the Liverpool Plains and the Maules Creek coalmines. Then there is the Wallarah 2 coalmine, where they broke a very clear election promise from 2011, when then Premier Barry O'Farrell had his
photo taken, along with a whole number of colleagues, illustrating his opposition to the Wallarah 2 coalmine. But then they broke that promise and gave that mine approval. That one is to proceed. Then there is the Warkworth coalmine, a real monster. This is where Rio Tinto is in action. If it is allowed to go ahead, it will destroy the township of Bulga, but the government have come up with their crazy plan of wanting to move that township.

Everything you look at when it comes to coalmine approvals from the Baird government shows what a damaging track they are on. On top of that, we have the Narrabri Gas Project and fracking just 700 metres from homes in the beautiful Gloucester region. The government are moving so fast because they are under pressure from coal seam gas companies and coalmining companies that want approval very quickly. They can see the world is turning its back on these dangerous fossil fuels. They want to get in quickly before the price of these fossil fuels drops even further.

I said in my opening remarks how out of touch Labor, Liberal and Nationals MPs are. This has been shown in communities that have been impacted by these forms of mining, particularly around the Tamworth-Liverpool Plains area. A poll taken by Lock the Gate Alliance earlier this year showed that 87 per cent of respondents were concerned about the risks of coal seam gas mining, 83 per cent said landholders should have the right to say no to mining and 66 per cent were opposed any coalmines on the Liverpool Plains. Strong opposition is growing around the country. People are understanding what is going on here.

I was fortunate to have the mining portfolio for the Greens when I was in the New South Wales parliament. It was hard going on this issue in the early 2000s. Understandably, people were only just starting to be informed. Awareness was only just starting to build that there were other ways to deliver our energy and other ways to ensure we could have manufacturing based on clean methods. Continuing concern was demonstrated about a week ago, again in the Liverpool Plains area—and it is very relevant to this debate—where more than 700 people came together from 87 communities in the north-west to declare a 'gasfield-free' area. These 87 communities stretched across north-west New South Wales, covering three million hectares—from Tamworth up to Gunnedah, right up to the Queensland border and then west of Walgett. It is very impressive that so many people came together: Indigenous people, farmers, people from Queensland and people from far-flung areas are coming together to demonstrate their deep concern. Why was it done so close to Liverpool Plains? The real worry now is that this China Shenhua mine could go ahead, posing a risk to incredibly rich farming land. If you have not been there, you really should go. I have spent a lot of time in western New South Wales, but the richness of this soil was such a pleasure to see. The productivity of this land is really exceptional, with, in some areas, 40 per cent higher productivity than the average across the country.

One of the farmers who spoke at this gathering was Andrew Pursehouse. His farm would be surrounded by the Chinese owned Shenhua coalmine if were to go ahead. He spoke in ways that everybody should hear. He spelt it out, saying that had been a member of the National Party and that he had voted for the National Party, for Mr Anderson, in the 2011 state election. He said that this time he would be voting for the Independent candidate, Peter Draper. These are his words:
The Nationals are asleep at the wheel and not prepared to stand up against their Liberal colleagues to represent their constituents.
Those words ring loud around this chamber, because that is what we see all the time. Australia would be such a healthier democracy if the Nationals had the courage to break ranks with their Liberal colleagues and to stand up in this place for what they try and make out to farmers and their constituents in rural areas. The inconsistency is massive. There is another wonderful quote here from Mr Andrew Pursehouse, when he says:

As a farmer, we're not against mining, it's just in the wrong spot. You just don't put a toilet in the middle of your best farming country.

So what is happening on the Liverpool Plains? The pressure is really on. BHP Billiton is looking to mine just 10 kilometres from the Shenhua mine. If it goes ahead, they would look to take out 500 million tonnes of coal. Santos has gas exploration across the whole of the Liverpool Plains flood plain. That is such a massive area. China Shenhua has its exploration across 190 square kilometres of this prime agricultural land and the ridges where the valuable water sources feed into.

Just last week I was at Tambar Springs, also on the Liverpool Plains. I have been there many times, listening to the farmers and hearing about their concerns, which are extensive. The pressure that these people are under, when they just want to get on and do their job in this wonderful area—really, you should just not sacrifice productive farming land. Farming land, under no circumstances, should be mined or developed on. Where the world is now, we cannot afford that. It was a very informative trip. When I talked to people during my days there, the issue of ICAC came up again. My colleague Senator Christine Milne spoke in great detail in a very important contribution on this issue. I would again like to share with senators a very important finding of the ICAC report Reducing the opportunities and incentives for corruption in the state’s management of coal resources. While this is referring to what happened under the former Labor government, it should be seen as a warning bell for what is happening now. The report stated:

In preparing this report, the question facing the Commission was not simply how the state's policy and regulatory framework could allow coal Els—

exploration licences—

of great value to be corruptly provided to favoured recipients, but how it could have been so easy to do so. It is inconceivable that in any other portfolio area of government such value could be corruptly transferred from the state to favoured individuals with such relative ease.

There it is—'how it could have been so easy to do so'. We are talking about corruption on a grand scale here. How was it so easy? My concern, shared by many of the people that I meet when I work in western New South Wales, is that that continues.

Because it is so hard to find out what is going on now, some of the recent history in relation to the Liverpool Plains is very relevant. It was back in the mid-2000s when the now disgraced, and found to be corrupt, former mining minister Ian Macdonald was riding high in the then Labor government. How he pulled this off, we still do not know. He comes up with this: getting huge payouts for exploration licences from coal companies. Remember, we are just talking about exploration here. Accordingly, I remember Ian Macdonald so often answering my questions that I would ask in the New South Wales upper house: 'It's just exploration; there's no guarantee that they will be granted full rights to mine; we've got a robust process.' He would always be making those grand statements. But what he did was get huge amounts of money, hundreds of millions of dollars out of BHP Billiton and out of China.
Shenhua just for exploring. My office found at the time that the highest fee for an exploration licence prior to what Mr Macdonald pulled off had been $10 million. But here we had BHP Billiton paying $125 million for an exploration licence at Caroona on the Liverpool Plains, and China Shenhua paying $300 million. That certainly suggested why Mr Macdonald got away with so much—because he found this way to pull in big money for the then New South Wales Labor government.

But what was the deal done to achieve that? These companies did not give so much money—and we found out that China Shenhua actually handed over more money—without there being some arrangements. What we found was that China Shenhua also guaranteed they would invest $170 million for transport infrastructure and an additional $200 million if the mining lease was eventually granted. That is a huge amount of money when supposedly China Shenhua was not guaranteed that it was going to get a coalmine.

What you saw then was how China Shenhua conducts itself once the exploration starts. It really made a fuss of the planning process that we have in New South Wales for coal mining. Remember the planning process that we have was signed off by the joint vote of Liberal, Labor and Nationals solidly voting time and time again to weaken the laws around mining and planning in New South Wales.

Why I say it is a farce is because so quickly was China Shenhua out there taking action that to any casual observer, particularly the people of the Liverpool Plains—every time I am there, these are the stories they relate—China Shenhua was absolutely confident that they had it in the bag, that exploration was just the first stage of full-scale approval. China Shenhua was buying up huge amounts of prime agricultural land, buying up water licences. As we know, China Shenhua is well known for operating its own railways, ports and power plants. I am not sure where the money is coming from.

Again it was told to me, and I saw some of it when I was there recently, that so much of this upgrade of infrastructure around Gunnedah and those railway lines is proceeding. The Greens are great backers of public transport. But if money has already been put in by China Shenhua, it again raises real concerns: Why are they pushing ahead in putting in hundreds of million dollars when they have not got final approval for the mine?

We then need to look at Mr Macdonald's record. What was agreed to when all this money was handed over? He made five work related trips to China: one in 2005, one in 2007 and three between January 2008 and July 2009. There are very few details about what happened at that time. Local member Barnaby Joyce is regularly out there talking up his commitment to this area. But what was the agreement after making all those trips?

The local talk is that there were agreements around fast tracking the process, that they would be free to buy up farmland, free to buy water licences. If push comes to shove and they really get locked down, where they will be able to mine is on the ridges surrounding this beautiful flood plain of rich agricultural land. There are so many unanswered questions that we should get to the bottom of.

I do congratulate former lower House member, Tony Windsor, for the work that he has done in this area. What we see coming into this New South Wales state election is that clearly the Baird government have been under pressure because it looked like a decision could be made on China Shenhua literally on the eve of the election. What did the federal environment
minister, Mr Hunt, do? He stepped in with the statement that he was going to stop the clock on the project and that they would use the water trigger there.

Tony Windsor set out some very clear questions that this government should answer on how it is conducting this water trigger. One of the big ones, something that the Greens call for regularly and that the community groups are calling for, is that when you start examining the impact of a mine in an area, you need to look at the cumulative impacts and clearly that is essential on the Liverpool Plains. In my opening remarks, I talked about the pressure this area is under from Santos, from BHP Billiton, from China Shenhua. You cannot just look at one mine. So is that part of how they are conducting themselves?

Mr Windsor also asked what exactly is Mr Hunt asking the independent expert scientific committee to review? Considering that under the water trigger, the significance of an action has to be considered with other developments past, present and the foreseeable future, will they be looking at the cumulative impacts? These things need to go hand-in-hand together. Another question Mr Windsor asked was: will the IESC carry out the bioregional assessment of the impact of the proposed mine on the Namoi catchment as originally discussed? Those questions are on the public record and this government should be answering them.

I also want to pay tribute to my colleague in the New South Wales state parliament, Jeremy Buckingham, who has revealed some interesting developments with Labor just recently where they did actually return $2,200 of money given to the Labor Party to Santos. But what has not been returned is $90,000 given to federal Labor. As Mr Buckingham has pointed out, what a contradiction. He has called on that money to be returned, and I know that some of the locals are saying that this is money that should be put to good use.

We are talking about massive donations here. Since 1998 the Labor Party has received about $4 million in donations from the resource and energy sector and the Liberal and National parties have received about $9.5 million from the resource sector. These figures are from the past 15 years. Santos alone has donated $1.3 million and AGL over half a million dollars. And in 2013-14, donations from mining companies to the federal coalition increased by 350 per cent on the previous year.

That was in an election year, but it is significant that such a huge jump occurred. It goes to the point that Senator Christine Milne made: what is the link here between the companies giving the money and the political party that gains office, and how do they weaken the laws to make it easier for these companies to make a profit? This motion should be supported; it goes to the very heart of the type of Australia that we need to build—free of corruption and with clean energy, plentiful jobs and clean manufacturing.

Senator CANAVAN (Queensland) (17:45): It is a great honour to stand up in unity with so many other senators in this chamber to condemn the economic lunacy of the Greens. These guys are economic lunatics when it comes to this issue. It is not about the Liverpool Plains, this motion; this motion says clearly that the Greens party:

… calls on all parties contesting the New South Wales state election to commit to a ban on coal and coal seam gas mining.

To ban coal mining in New South Wales! That would bankrupt the state of New South Wales and it would bankrupt this country, but the Greens do not care because they know nothing about economics.
You know that you should not believe anything they say on this issue, because this is a case where you should not do as they do; just do as they say. The Greens, I am sure, like the rest of us, get planes to come here. I am sure I have seen Greens senators turn up to this place in cars—in cars! And I do not think that they are solar-panel-powered cars! I do not think that we have those in the COMCAR fleet.

Today we heard in question time that the Greens referred to a road being invested in in Victoria, in Melbourne, as a ‘polluting’ road. I did not realise that roads could pollute, but apparently they can pollute. Everything pollutes, according to the Greens. So, every time we are on a road we pollute. Why do the Greens actually get in a car and come to this place? Why do they use cars to come to this place, Senator Nash?

Senator Nash: That’s right!

Senator CANAVAN: I do not quite understand it. If they are polluting when doing that, why do they not come here by some other means?

Now, I realise that we do not necessarily have the facilities or infrastructure in this place to provide for alternative modes of transport for the Greens. For example, I have never seen—and maybe Senator O’Sullivan can correct me, because I know he is a keen horsemanship hitching posts at the front of the Senate chamber. So maybe the Greens would like to ride their horses into the chamber one morning—instead of getting into their cars, they would love to ride their horses. But we do not have any hitching posts. I am sure this corner of the chamber, the Nationals—and I have not taken this to our party room—would support a motion for some hitching posts to be installed at the front of the Senate chamber so that we can all ride our horses to the Senate and we do not have to rely on the evil fossil fuels that we all do today.

The Greens do want to take us back to the dark ages. They do not believe in modern society—at least, they talk about not believing in modern society. They are happy to live with the benefits of it, but they do not believe in steel, because that is made from coal; they do not believe in cars, because they are powered by petrol; and they do not believe in modern agriculture, because modern agriculture is actually powered by fossil fuels. I will get to that as well.

The other thing that is interesting about this motion is that it actually calls for us to ban coal mining. I remember during the last federal election campaign that the Greens had all these spending proposals. They wanted to build a fast rail from Brisbane to Melbourne—that is about $100 billion—and they wanted to introduce free dental care—that is another few billion dollars. All their promises added up to hundreds of billions of dollars. And when they were asked—as, of course, they would be by a forensic media—‘How are you going to pay for all of those commitments? How are you going to pay for all of those promises?’ do you know what they said? Their stock standard response was, ‘We’re going to put in place a mining tax. We are going to put in a mining tax to fund the fast rail from Brisbane to Melbourne. We are going to put in a mining tax to fund all these multibillion dollar promises.’

I do not know how a mining tax works when you do not have a coal-mining industry. How is that going to raise any money, if they want to ban the coal-mining industry but they are going to put on a mining tax to fund all their promises? It does not add up! Something is not quite right there. If you believe you are going to fund everything from a mining tax then you
must believe that you want to continue some form of mining which is going to make money to pay the tax.

The Greens always want to talk about the future, because they know that they can confuse people about the future. The future, of course, is undetermined, so they talk about what we will have in the future. I have heard Senator Rhiannon, who just contributed to this debate, say before that we could be 100 per cent renewable by 2020 in Sydney. One hundred per cent renewable! I do not know what we are going to do when the sun does not shine or the wind does not blow, but we can be 100 per cent renewable. But you cannot argue about the past. The past is the fact of the matter and you cannot argue about what has happened in the last 30 years across the globe. And in the last 30 years across the globe, we have used 40 per cent more oil than in 1980—so 35 years, actually; we have used 107 per cent more coal—we have more than doubled our use of coal in the global economy; and we have used 131 per cent more natural gas. Those are all fossil fuels and all fantastic technologies that have pulled—as Senator Ketter said before, and I fully support his comments—hundreds of millions of people out of poverty across our globe.

There are still hundreds of millions of people without access to electricity—not any electricity; not dearer electricity, or cheaper electricity or some electricity—no electricity. There are about 300 million people in India who do not have access to any electricity. In Central Queensland we had a tropical cyclone go through recently—through Yeppoon and Rockhampton. Many of us were without power for a week or more. My house was out of power for six days. I tell you what: people understood what it was like not to have electricity. People understood that actually they did not want to go back to the dark ages. It is actually a fantastic thing that people have access to cheap electricity to warm their homes for their families or to cool them in hotter areas. That is a great thing; it is a great advancement for human beings all around the world, and the only way we maintain that is through access to cheap and affordable electricity which, right now, means fossil fuels. You cannot get away from the fact that if you want to have access to cheap, permanent, consistent electricity, across 24 hours a day and 365 days a year, you need to use fossil fuels. It is a basic scientific fact right now. I say, 'Let's listen to the science and support those industries that provide those great benefits to the whole globe.'

It is not just about access to cheaper electricity for people to turn on their lights and their air-conditioners and power their cars; it is actually also to have food as well. The Greens love to talk about how the black soil plains look fantastic and it is fantastic to see a wheat crop growing when you drive past it on your way back to Sydney, but they never actually understand how this stuff works, how it is grown and how people actually turned what is a barren, sometimes treed area of land into something that produces food for millions of people around the world. We produce enough food to feed 60 million people around the globe. How do we do that? We do that by converting energy into food. That is all farmers do. They take energy that is in the soil, in the ground and in organic matter and turn that into products that
human beings can eat, whether that is through a cow that can eat grass and turn that into the protein or whether it is nitrogen being turned into a wheat crop. It is all farmers do.

This takes a lot of hard work, because when you look at modern food production—the fact that we can feed a lot of people around the world very easily today, many more than we could hundred years ago—a lot of energy goes into it. There was a study done in the United States—I have never been able to find one for Australian cropping—where someone showed that it takes actually 100 kilograms of oil equivalent to produce just one tonne of wheat. That is taking into account all of the fertiliser, tractors, diesel that is used and electricity to irrigate a hectare of land. It is 100 kilograms of oil equivalent of power. That is their metric. We tend to use the actual metric rather than imperial measures. If you convert that to our measures, it is four gigajoules of power for one tonne of wheat.

What does that mean in cost terms? Urea is just basically taking nitrogen out of the air, which is all around us; more than 70 per cent of the air around us today is nitrogen. Nitrogen is compressed through the basic technology into urea, which can be used—as it is now in a physical form of nitrogen—to replenish land and to then grow crops, grass or whatever you want to grow. It costs about $5 to $10 a gigajoule to convert nitrogen into urea. The diesel used for tractors, if you convert petrol prices to gigajoule terms, is about $30 per gigajoule. Irrigation, which often uses diesel powered or sometimes networked electricity, is about $60 a gigajoule.

All up, when you add all of those things together and their relative uses in the production of a wheat crop, it costs around $80 a tonne in energy inputs for one tonne of wheat. Eighty dollars a tonne is what our wheat is made up of. The cereal we eat costs about $80 a tonne to produce. I just checked the actual wheat price itself before I came in here and it is about US$250 a tonne, which is a little bit more in Australian-dollar terms these days. Still, somewhere around a third or a quarter to a third of the price of wheat—the final value of wheat after it leaves the farm—is embodied in energy. If we do not have access to cheap energy, we will not have access to cheap food and we will not be able to feed people.

All of these farmers that the Greens pretend to represent will not be able to make a profit because we will be producing wheat at a much higher cost. We will not be able to sell at the world price, because we export most of our wheat, and they will be out of a job. They will be out of a job, they will be off their farm and they will not be able to employ all the people they do when they produce food for our nation. But the Greens think that it will all be okay because we will not use natural gas to make urea any more, we will not use diesel to power our tractors and we will use wind and solar for everything. We will use wind and solar for everything we do!

The Greens always like to present wind as some form of virgin, absolutely pure and clean form of energy. But when you drive past a wind turbine next time, just think about how much steel has to be made and how much concrete has to be manufactured to make a wind turbine. What makes steel? It is coking coal and iron ore. In this motion, the Greens want to ban coalmining. You will not be able to make steel anymore. If we ban coalmining, there will be no more steel and there will be no more wind turbines. Even if you did allow some steel production still to occur in some developing country somewhere, each megawatt of wind power produced takes around 460 tonnes of steel. Each megawatt of wind power takes around
870 cubic metres of concrete as well as an input into the production of that megawatt of power.

Let's compare that to natural gas: natural gas takes 27 cubic metres of concrete and 3.3 tonnes of steel. Wind is 460 tonnes of steel per megawatt; natural gas is 3.3 tonnes of steel. Wind is 870 cubic metres of concrete; natural gas is 27 cubic metres of concrete. Which one is more environmentally friendly? Which one will ultimately use less resources and make less of an environmental impact on our manufacturing processes and our mining processes as well, which are needed to make steel?

Under the Greens' policy and the Labor Party's policy at the moment, they want us to get to a renewable energy target which is basically unachievable. We need around another 3,860 megawatts of wind to be installed by 2020 to do it. That will take, on those sums that I read out before, 1.8 million tonnes of steel. That is enough steel to build 35 aircraft carriers. We would be using the same amount of steel before 2020 in wind turbines as to actually manufacture 35 aircraft carriers. I think I know which one of those options would be of more use to Australia. The Greens do not care about all the facts in this debate. That is because they are on an emotional campaign to touch into people's dreams of having not to rely on dirty mining or the unfortunate things we have to do, but still maintain our standard of living—which is an absolute impossibility.

We have heard all of this before in regional Australia. I want to finish by quoting from a letter to The Land today, which points out that around 30 years ago the Greens ran a campaign in exactly the same area we are talking about—the Liverpool Plains in Gunnedah—to ban the use of crop dusting and aerial spraying for cotton and other crops. They wanted to ban that. This letter from Geoff Swain at Carroll rightfully points out that: 'Some people have very short memories. Do they not recall that a former state government and the Greens, with the tacit approval of the then independent member for Tamworth, combined to lock up the Pilliga.' That is a forest up there. He said, 'Have they forgotten the devastation caused to the timber industry? How about the native vegetation laws, which have impacted so heavily on farmers in New South Wales?'

That is exactly right, because the Greens in this debate do not care about the people who rely on the mining sector to provide their jobs, people who rely on the timber sector to provide jobs and people who would not have a lot of other options otherwise. They only care about their votes in the inner city, which are mainly voters who rely on massive amounts of fossil fuels to power their lifestyles and continue their comfortable livelihoods.

The PRESIDENT: Order! The time for the debate has expired.

DOCSUENTS
Consideration

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


Climate Change Authority—Report for 2013-14. Motion of Senator Bilyk to take note of document agree to.

A compact between the generations: The 2015 intergenerational report—Ministerial statement by the Treasurer (Mr Hockey), dated 5 March 2015.
Report, dated March 2015.
—Motion of Senator Siewert to take note of documents agree to.

Report for the period 1 July to 31 December 2014. Motion of Senator Back to take note of document agree to.

COMMITTEES

Joint Standing Committee on the National Disability Insurance Scheme
Government Response to Report

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

Senator GALLACHER (South Australia) (18:00): I think it is really critical and important to note when the parliamentary committee system is doing extremely good work. I would direct senators' attention to the message from the minister where he would like to note that 'the government welcomes the recommendations of the committee'. The committee report highlights that, when implemented and delivered successfully, the NDIS will deliver economic benefits. The report also acknowledges that it is a significant, complex reform. Critically, we have a series of recommendations from the joint committee which have been agreed to, or agreed to in principle or agreed to in consultation with the stakeholders. I think that where good work has been done by all parties, it should be noted on the public record, because too much of the effort in this place is divisive, so to speak.

Having attended the trial sites in my capacity as deputy chair of this committee, and coming from a background of almost complete ignorance about the disability sector, one could not help but be totally impressed by the witnesses that came forward to explain their experience with the NDIS and with planners, and to explain the circumstances in which they have found themselves. The evidence we heard, both in public hearings and in camera, would move most people to tears. The absolute empowerment of people with disability to choose when they can have their carer provide the critical services they need has been truly gratifying for all members of the committee.

I believe the committee has taken a completely bipartisan approach. We will always quibble around the edges, but every member of the committee is working incredibly hard. We heard from many stakeholders and participants. There has been criticism from participants, from not-for-profits; it is a really significant reform, and it is a hugely challenging endeavour. If we can continue in the vein that we have been, where the minister has responded, as I said, to either agree with the recommendations of the committee, to agree in principle with the recommendations of the committee or to agree on the proviso there be consultation with jurisdictions, then it is a very, very good outcome.

I look forward to a continued bipartisan and cooperative approach being taken, because this is such a critical reform for this country. It is empowering so many people who have tremendous disability of body but who have no disability in spirit. They are an incredibly empowering group of people to come into contact with, and they really do change the way
you think. Particularly in my case, having had no experience in this sector, they changed the way I think and how I look at disability. These people just want a go. They want to be able to empower themselves in getting services. They have aspirations which are normal and accepted in the rest of the community. This endeavour is seeking to give life to those aspirations. I seek leave to continue my remarks, and hopefully I can continue reporting in the same way on the great work of this committee.

Leave granted; debate adjourned.

The PRESIDENT: Thank you, Senator Gallacher. I omitted to say earlier, that, as is the usual practice, documents that are not raised or preserved will be discharged from the Notice Paper. I gather there are no objections to that happening in relation to the documents on page 9.

Foreign Affairs, Defence and Trade References Committee

Government Response to Report

Debate resumed on the motion:

That the Senate take note of the document.

Senator GALLACHER (South Australia) (18:05): In the government response to the report on the Korea-Australia Free Trade Agreement by the Foreign Affairs, Defence and Trade References Committee, we have quite a different story. There are a number of issues which the government does not agree with and has seen fit not to accept. I want to touch on a few of the areas of difference. I want to say at the outset that there is no in-principle problem with this free trade agreement or with free trade agreements in general. For the last 40 years, Labor has recognised that trade liberalisation can boost growth, create jobs, forge more competitive industries and give consumers greater choice and lower prices. So we are fundamentally in agreement with the government about free trade agreements.

What has been highlighted in these negotiated outcomes is that, despite the fundamental agreement about trade, there are significant differences between the Labor outcomes and the coalition outcomes. They go to matters like investor-state dispute settlement procedure. We heard in evidence that Korea has a mature legal system, and we would certainly hope that Australia's legal system is up to the standard where an international company could bring a claim in the Australian jurisdiction and get satisfaction. If there were an Australian investor in Korea, we were advised through evidence to the committee that there is a system of law in Korea. So we are a bit at a loss to know why the investor-state dispute settlement procedure has been included in this agreement. Apparently, it was a precondition set by Korea, and, in the judgement call that all governments have to make with respect to agreements, this government chose to accept it and leave it in there. Only time will tell whether that was a good, prudent move or a decision which will have untoward consequences.

We know that there is a difference on labour market testing. Our position is that, if you want to bring people in, you test the market and see whether there are Australians here to do the job. When witnesses were pressed about these matters, some of the evidence was that Korea is not a low-wage economy; Korea is a reasonably high wage economy. I think it is in the order of US$38,000 a year. So, for the Koreans to bring someone to Australia, they have to pay them a respectable wage. They have to put them in somewhere to live. They probably have to take them home occasionally. And it is probably economically beneficial to employ
an Australian. But there is no guarantee on that, and there is no labour market testing—or at least it has been wound back.

What concerns me in the examination of this treaty is: what is the precedent it sets for the China-Australia free trade agreement? What does it do? Does it set a precedent by which they can also insist on no labour market testing? Can they also insist on ISDS? We know that China are not at US$38,000 a year in terms of labour outcomes in their country. We know that their judicial system is not as recognisable as the Australian judicial system. What would the position be if these were to simply flow through into the China-Australia free trade agreement? In the Trans-Pacific Partnership, what would the position be? Are we setting ourselves up for a precedent?

Very clearly, the committee deliberated, took evidence and made a substantial number of recommendations which the government has seen fit not to accept. It simply means that we need to be forever vigilant with respect to investor-state dispute settlement inclusion and labour market testing.

Intellectual property in trade agreements is also an emerging area. It is a completely ever-changing environment. These have all been highlighted in the Foreign Affairs, Defence and Trade References Committee report. As I have said, the recommendations we put up have not been accepted. We are in opposition, I suppose, in some of these areas and would like to see some of these matters revisited over time. But we will be vigilant about testing what the outcomes are and whether there are any untoward or unintended consequences of the rapid signing of the Korea-Australia Free Trade Agreement.

Some people would say that is probably a little bit of a misnomer because it is more like a bilateral agreement than a free trade agreement. We know that the Koreans are going to continue to put an impost on their citizens for the consumption of beef, for argument's sake, for quite a number of years. We will not see a zero tariff on beef into Korea for a very long time. When I asked the Koreans why they tax their people on protein and have an impost on beef, there was quite a long answer. It basically revolved around the fact that they can still remember famine. They have an industry they want to continue in. Lots of those farmers have political clout.

Anyway, I think our decision was made basically on the fact that we were competing mainly with the Americans, and if we did not get this through we would be at a commercial disadvantage, so the beef industries and other industries have seen fit to come out in support of this agreement. But it is not a perfect outcome. As I restate: the references committee has put some recommendations up which have not been accepted. I will leave it at that. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Economics References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.
Senator XENOPHON (South Australia) (18:12): I seek leave to go back to document No. 3, the Senate Economics References Committee report Need for a national approach to retail leasing arrangements.

The PRESIDENT: You certainly can. Thank you, Senator Xenophon.

Senator XENOPHON: Thank you, Mr President. I will keep my remarks fairly brief. Yesterday, the Senate Economics References Committee tabled its report on the terms of reference that I put to the Senate on the need for a national approach to retail leasing arrangements. The report process was—as usual by the Senate economics committee—extremely comprehensive. I am incredibly grateful to the iconic Dr Kathleen Dermody, who did such a terrific job with her secretariat in the depth of material provided to the committee and the way that the inquiry was run, and to my colleagues for the way that they participated fulsomely in this report. But I am disappointed with the majority report, the bipartisan report. It simply does not address the issue, in my view, that there ought to be a national approach to leasing, that the Commonwealth government has a key role in respect of this and that there are too many commercial retail tenants in this country in a difficult position because they do not have the safeguards of a national approach in respect of leasing.

I will just cover a few of those, but before I do I want to acknowledge Stirling Griff, who happened to be my running mate at the last federal election and hopefully will be running again at the next federal election, whenever that may be, whether it is in three months, six months or 18 months.

Senator Polley: A double D or not?

Senator XENOPHON: What?

Senator Polley: A double D?

The PRESIDENT: Order! To the chair, Senator.

Senator XENOPHON: I will not comment, Mr President, about double dissolution elections, but I can say that I think the electorate is doubly disillusioned. There is a difference between the two. But I will say this. Mr Griff knows a lot about retail leasing. He was head of the Retailers Association in South Australia a number of years ago. He has a lot of expertise in this field, and his contacts and the people that he has advocated for have been very helpful in this inquiry. I am incredibly grateful to Stirling Griff for his support in this inquiry.

We need to address a number of issues at a national level. We need to address the issue of the first right of refusal for tenants when renewing their leases. We need to adopt the Tasmanian Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998 as a template, because the Tasmanians have it right. That is the best practice model in the country. It gives tenants some real rights around renewal of leases.

We need to have affordable, effective and timely dispute resolution processes. This is a broader problem to do with access to justice in this country if you are involved in a commercial dispute. Too many Australians cannot afford to go to court even if they have a legitimate grievance in a commercial matter because the cost can be absolutely crippling. If you are up against Westfield or another giant landlord, for them as a multibillion dollar corporation $50,000, $100,000 or $200,000 is virtually loose change. But for a small tenant where their only asset backing their businesses is their family home that is too crippling to
consider. So we need to have an industry code of conduct for fair, effective and cost-effective dispute resolution to be implemented and managed by the ACCC.

There also needs to be a fair form of rent adjustment so that ratchet clauses can be excluded from retail leases unless expressly agreed to by the tenant. Otherwise it is just a one-way street where rents go up even though economic circumstances may mean that rents should go down. We also need to look at statutory rent thresholds. You should not be able to opt out of the protections for tenants because a lease goes over a certain threshold in legislation. Bank guarantees are also a problem for tenants because there can be unreasonable requests which cause crippling problems for tenants’ cash flow.

There also needs to be a national lease register and full disclosure of incentives because they can distort the rental market. If someone is offered three or six months rent free on a lease or all sorts of other incentives, that can distort the market significantly. That is why there needs to be a standard form to be completed by landlords when entering into a lease. This form should include the disclosure of the commercial terms of the contract, including all incentives offered to the tenant. Otherwise, some of the holdings of some of these landlords can be grossly overvalued. There also needs to be a code of practice that incorporates the broader reporting of sales and occupancy costs. This turnover tax that tenants have is quite unfair, so that needs to be reformed.

We need a national approach to this. This issue will not go away. There are tens of thousands of tenants in this country that want the certainty of fair terms and conditions. To hazard a guess, if we had those fair terms and conditions, more and more people in this country would be prepared to go into a tenancy, which would ultimately be good for landlords.

I want to finish off by referring to the comments from my state colleague the Hon. John Darling MLC who has considered this issue and is doing work at a state level on improvements for tenants. He believes that tenants are paying rents for their own fixtures and fittings when there are valuations. That seems to be unfair. That needs to be addressed. When the lessor moves to increase rent, the lessor needs to be transparent about the documents they are relying on because there have been cases where tenants have had to pay for a valuation and the landlord has refused to show up for them. That is unfair. Also, for instance, land tax at a single holding rate should be transparent in leasing documents.

I have gone beyond the time I indicated to you that I would, Mr President. I apologise for that. But I indicate that this issue will not go away. Thousands of small businesses tenants around the country want some fundamental fair reforms which ultimately will strengthen commercial tenancies in this country. I think it will be a win-win for both landlords and tenants. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Abbott Government’s Budget Cuts Select Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.
Senator POLLEY (Tasmania) (18:19): I would like to make some comments in relation to the first interim report of the Senate Select Committee into the Abbott government's budget cuts. We all know, as does the Australian community, what a failure the first budget of this government was. We had another example today when the Prime Minister was trying to reiterate how things are going to improve. On 9 February he stated that good government was about to begin. We know there has been no evidence of such good government at all. When we look back at this unfair budget that was presented, we and the Australian people know that it was unfair.

The government introduced a policy of $100,000 degrees for those who had the bank card that was able to fund their application to go to university. We know at the last election—on the eve of the election, in fact—when in opposition Mr Abbott made a point of saying that there would be no cuts to education, no cuts to health, no changes to the pension and no new taxes. We know that was not true. The Australian people, quite rightly, believe that the government that they thought they were voting for is definitely not the government they got.

The government have already tried to introduce a GP tax. There have been a number of different versions. We know that it is in their DNA and it is all about their mantra of undermining the Medicare system and the universal healthcare system in this country. We know that when it comes to health they would prefer to go down the American path. They have tried to do that. We have seen further examples of that this week with the higher education bill that was defeated. Minister Pyne, who refers to himself as 'Mr Fixer', has not fixed anything, but he is intent on bringing that bill back again.

We know he is not the only one who refers to himself as 'Mr Fixer'. We also now have Scott Morrison, the Minister for Social Services, saying the same thing. I think the first thing they need to fix, unfortunately, is the state of the nation that the Prime Minister has now created where we in fact have a Prime Minister who is unfit for that office. He is not a statesman. We have seen evidence of that. We have seen evidence of the foot-in-mouth disease he suffers from. But I would have to say, in terms of some of the things he has said in the past, Mr Abbott's reaction when he was speaking about an Australia soldier who had died and he was caught saying 'shit happens' is something that I am sure the community has not forgotten. A statesman does not make those sorts of remarks.

We have recently also had him in the other place accusing the Labor Party of causing a 'holocaust' of jobs. But, in fact, it is this government that has brought about the highest unemployment rate for 10 years, which is now 6.3 per cent. I can see that people are feeling a little bit uncomfortable hearing these sort of remarks, but can you imagine what it is like for people to hear today in the House of Representatives the Prime Minister of this country accusing Mr Shorten of being the Dr Goebbels of economic policy. That is outrageous. For those of us who have different nationalities in our families or who have friends and family who are Jewish, this is an affront. It is also an affront to the German community in this country. It is an affront to the Australian people. This is not the sort of language we should expect from our Prime Minister. The Prime Minister of the country, irrespective of what political persuasion they are, is the leader of this country, and this is grossly embarrassing and outrageous. I am embarrassed to think how we are perceived overseas.
Getting back to the Treasurer of this country, who introduced a fuel tax when he brought down his budget. When the Treasurer referred to people who are poor or are on a pension not driving their cars very far, it was another demonstration of how out of touch this government is. It is quite extraordinary that the Treasurer of this country is so out of touch with the community that he would make such a comment.

But unfortunately this is a government of chaos and dysfunction. When he was in opposition, the man who is now Prime Minister of this country talked about how they were going to be a government of adults, a government of grown-ups and a government without surprises. Once again, he lied to the Australian community, because they have broken their promises. There is no evidence whatsoever that this government is a government of adults. It is a government in chaos and it is a government of dysfunction. At the moment we see so many examples of this.

In my own electorate, I look to Launceston, where I live. The federal member for Bass, Mr Nikolic, has not only gone out and attacked those people who have a different view to the budget, but also now he is trying to stifle the debate of academics. How creative can he be as a federal member of parliament, to have 120 academics from the University of Tasmania sign an open letter condemning him for his attempts to criticise and object to a doctor of politics and history for making comments in relation to the budget. It is very unfortunate that the member takes criticism of the government's budget as a personal affront to him.

His job is to speak up and to defend the budget, even though it is a harsh and unfair one. That is his role as a member of parliament and we should respect that, as I do. But what I do not respect is when he tries to bring pressure by emailing and speaking to the vice-chancellor of the university. There is no other reason because no-one—not a federal member and not a man who has as many degrees as the federal member for Bass does—would ever believe that Dr Powell was actually speaking on behalf of the university. Even today, after 120 academics have raised concerns and demanded the activities of the MP cease, he still went on radio in Tasmania defending the fact that he does not believe he did anything wrong. That is very unfortunate. He is very quick to talk to the Tasmanian community in his electorate of Bass about his negotiations with the University of Tasmania for $400,000 or $500,000 in extra funds for the university. If he can bring that about, that is fantastic. But why would he email the vice-chancellor about somebody who was writing their own view and an expression of their frustration with this harsh budget? Why would you take that step during negotiations if it was not about putting pressure on Dr Powell? It is very regrettable.

It is not often that I refer to the Financial Review, but to see the headlines today in relation to the Prime Minister I would be very concerned if I was sitting on the backbench on the government side. If Mr Abbott, to try and save his own job, were to rush out and have a double dissolution of the parliament, I think the Australian people would really enjoy the opportunity. They would relish the opportunity to express their dismay at this government, because Tony Abbott, and those on the other side, mislead the Australian community—in fact, they lied to them—about their political agenda.

The PRESIDENT: Senator Polley, we have had this earlier in this session.

Senator POLLEY: My apologies.

The PRESIDENT: Please withdraw that comment.
Senator POLLEY: Yes, I will withdraw it. They misled and they told fibs to the Australia people. (Time expired)

The PRESIDENT: I remind senators that when you quote a matter, even if it has been said before, if it is unparliamentary and would be regarded as unparliamentary you may not quote it. I will leave that comment at that, Senator Polley—it was during your contribution. I did not pull you up at the time, but I just want to remind you of that.

Education and Employment References Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator McKENZIE (Victoria) (18:30): I rise to speak on the Education and Employment References Committee report Principles of the Higher Education and Research Reform Bill 2014, and related matters. The report was tabled earlier this week by Senator Lines. It had such lofty ideals: the principles of higher education reform. This was a Labor-held inquiry that was somehow going to shed light on the policy vacuum from the Labor Party in this space in lieu of their scare campaign that they have been running in earnest since Minister Pyne brought forward his reforms of the higher education sector. I wanted to talk about the principle but, having flicked through the 37-odd pages, found that there is not an ounce of policy. There is a lot of rhetoric, a lot of critique, a lot of scaremongering and a lot of false commentary using dodgy figures from discredited modellers but no policy announcements from Senator Kim Carr. It is just a vacuous Labor Party attempt to masquerade as having some integrity in this space when even their own know that bipartisanship in higher education, indeed all education, policy is the only way to ensure that we have outcomes that positively enhance our nation's students, universities and schools.

The coalition obviously brought down a sterling dissenting report to that reference committee, which I would like to briefly touch on, where we highlighted that the coalition has always been committed to a higher education system that is accessible and that is based on principles of equity and excellence. It has been a core principle of coalition policy-setting in this area since the time of Sir Robert Menzies. The reform aspects of this bill went right to the very heart of ensuring that those students that have previously been locked out of higher education, those students that have found it difficult through a mixture of family background, maybe university scores or, indeed, geography to access higher education were able to maintain that access. Those students that currently are being disadvantaged, those students that are studying at private providers and are being subject to significant financial impost in some cases, were actually freed of that burden so that all students in this country, not just those that are members of the National Union of Students, can actually participate in higher education of their choice, that is going to be valuable to them in their space, to their chosen career and their aspirations. That is what we were hoping to achieve. Over 30 reviews were conducted in this space. This was a policy based on very, very strong theoretical underpinnings and a high level of consultation.

I think what we also pointed out in our dissenting report was the absolute absence of policy principles by the Labor Party in this space. Indeed, Senator Carr hinted at the fact that his response was going to recap university places. Do you know who that locks out? That actually
locks out those students from first-generation families, those students that have previously been unable to access higher education. I found it really incongruous, particularly from the Left of the Labor Party, that are supposed to be the champions of the underprivileged, that Senator Carr could be championing such a policy agenda.

The vice-chancellors were firm in their agreement, and that is a hard thing to do in this country. They held together to the end. But after the reforms failed this week to pass the Senate, to get the support of the crossbenchers, the Regional Universities Network Chair, Professor Lee, put out a statement criticising the partisan way in which we have approached the higher education reform debate. I lay that blame squarely on the Labor Party and their scare campaign over the past month, treating higher education ‘as a political football’ as it was put by Professor Lee, who is the chair of the body that represents those universities that are probably representing the poorest electorates in the country and indeed en masse the poorest students. The impasse will not assist country and regional students, country and regional universities and country and regional communities as a result.

So we go back to the drawing board and we hope that the ALP will actually continue the previous tradition of bipartisan support in areas of higher education reform, because there has been significant transformation and evolution over a long period of time. The previous government under Julia Gillard opened up universities. She said if you want to go to university you can. If you have the ability you should be able to go. So we opened it up and new cohorts of students rushed into higher education—a fantastic result. But the result was that we could not afford to fund these numbers, so the reality was that we put a little bit of extra student contribution, had some mechanisms for scholarship programs for those underprivileged students and had mechanisms to assist those students studying at private institution, who are also, again, typically those students that are more interested in a more vocationally focused degree, much more attached and responsive to industry needs, typically from those communities that are not higher socioeconomic status. They are exactly the traditional heartland of the Labor Party, and you turned your back on them. But not all of your cohort did, not everybody did; Peter Beattie did not turn his back on what he knew was actually the right thing to do. I will quote from his opinion piece:

THERE are some decisions about our future which should be above politics. The future of our education system is one.

He also wrote:

Reforms are essential to ensure there are places in higher education and the hugely important pathways into sub-bachelor skills qualifications. It is crucial for Australia’s future to have the best-educated workforce.

No kidding, former Premier! No kidding—and I will back you 100 per cent on that. Pity your own party did not.

This week, I was able to table in this place a petition from exactly that cohort of students. Over 1,000 students signed a petition saying, ‘Please include us in this reform package. Please pass this package, because it will mean that we get real savings in our back pockets, real savings to the costs of our higher education degrees.’ There are more than 100,000 students in Australia who choose to study at a non-university higher education provider, and these students chose those learning institutions because they suited their educational goals, career aspirations and personal circumstances.
The degree that these over 1,200 students, young people and mature-age students from right across the country, receive through this process is of equal value as—Senator Carr, I am glad you are here—and it is equivalent to, a degree from a public university. What the Labor Party and the Greens are trying to say is that, if you attend a non-university higher education provider in this country and you are awarded a bachelor degree, there is some difference between that and the degree you would have received if you had studied at a public university.

In prosecuting these reforms over the last 10 months, the committee heard provider after provider put evidence on the record that, despite the scare campaign, $100,000 degrees were a misnomer—because the non-university sector was committed, already delivering $45,000 nursing degrees and teaching degrees—and that they were actually going to see the cost of their degrees drop in the new environment.

'But we do not want to hear about that! We do not care about the 1,200 students who signed that petition tabled today!' The National Union of Students could not give a damn. Unless you went to grammar school, unless you go to one of the Go8, where all the votes are, to get your NUS presidency, you are not coming to the higher education reform package legislation committee hearing and you are not standing up for the students! But we did have some students from non-university higher education providers attend our inquiry and they put their stories on the record. It is a great pity that those opposite choose to ignore those students, because education is about increasing opportunity for all, not just for a few.

Peter Beattie got it right. John Dawkins has called on you all to get behind it. You know that, for our higher education system to be sustainable, for it to deliver what we know it can and what our nation needs for the next century, we have to have a bipartisan approach. I thank the crossbenchers, those who did engage, and I call on the Labor Party—(Time expired)

The PRESIDENT: We will go to Senator Carr in a moment, who also wants to speak on this document, but I am going to Senator Cameron first. It is my fault; I should have been more strict. Senators have been arriving late and we are revisiting documents that we are already past. But I will go to Senator Cameron, because he wanted to speak on the same document as Senator Polley, which I omitted. You probably should have sought the call, Senator Cameron. In any event, I apologise for not being strict enough and enforcing the rules a bit better. So, Senator Cameron, we will go to you and back to document No. 9 on the Notice Paper.

Abbott Government's Budget Cuts Select Committee
Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator CAMERON (New South Wales) (18:40): Thanks, Mr President. I appreciate your consideration on this. I had been waiting patiently, but that is how the call went. I do want to talk about the Abbott government's budget cuts and the select committee's first interim report.

The budget cuts of the Abbott government are absolutely the worst cuts that we have seen in any budget for many, many decades in this country. It is even worse than that, because the budget cuts that have taken place are cuts that the Abbott government and the Prime Minister
personally indicated would not take place. I am well aware of the new approach to the word ‘lie’, so I will not go there. I will try and find some other word to express what this has been all about. It has been a complete misrepresentation to the Australian public—a complete misrepresentation.

To go to the Australian public just before the election and tell pensioners that their pensions would be safe, to tell the education system that they would not get cuts to their funding, to tell students that they would not be paying more for their education and to tell people relying on the health system that they would not be paying more was a complete misrepresentation of the reality that has now come about as a result of this budget—a complete misrepresentation. If anything was designed to deceive the Australian public, it was the promises that were made by the Abbott government before the election and broken by the Abbott government in the budget. Absolutely nothing could have been further from the propositions that they put to the Australian public than what is in this budget.

The budget attacks a whole range of areas. Under this budget, in my state of New South Wales, schools will be around $9.6 billion worse off. We did hear a little bit of a bleat from the coalition in New South Wales, but now it is closer to election time you do not hear the coalition in New South Wales talking about the $9.6 billion that is going to be ripped out of the school system in New South Wales as a result of this budget.

There are the cuts to universities: $1.3 billion from New South Wales universities over four years, as a result of the Abbott government budget. This is in addition to the cuts that have already been made to university teaching and research programs across the nation. There are the cuts to hospitals: $16.5 billion cut in this budget as part of the $50 billion cuts to hospitals across the country—$16.5 billion out of New South Wales hospitals. New South Wales health department figures reveal that, if the $7 GP tax had been maintained, it would have driven 500,000 patients into the emergency departments of New South Wales hospitals. This is nothing more than a cost-shift to the New South Wales government from their so-called mates in the federal government.

Families are hit. New South Wales families who are on $65,000 a year will be around $6,000 a year worse off because of the Prime Minister’s unfair budget. Four hundred and twenty thousand recipients of family tax benefit B in New South Wales will lose their payment when their youngest child turns six, leaving them $2,341.55 a year worse off. Of the 218,000 Newstart recipients in New South Wales, those under 30 face losing their payments for six months, leaving them without any income for six months and having to rely on charity. What has this country come to? What is this government thinking about, saying to some of the most disadvantaged and vulnerable young people in this country, ‘You can go for six months without any income; go down and find your nearest charity and see if they will look after you’? This is totally unacceptable and something that the public, in my view, have rebelled against. The public understand that this budget is absolutely unacceptable.

Petrol tax is up. What about the people in the bush? The National Party are quiet. You hear nothing from the National Party on this. They want to do the bidding of the Liberal Party on industrial relations, but they do not want to look after their own people in the bush who are getting slammed by these hits under the budget. They do not want to do it. You hear nothing from them. You do not hear a word from the doormats of the National Party when it comes to the issues that are beleaguering the public in rural and regional New South Wales—not a
They get up and they do the Dorothy Dixers every question time, as if this is going to give them some brownie points. Some of them sound more like right wing conservatives than they ever have been. The National Party are doing the bidding of the Liberal Party. They are simply down on their knees saying to the Liberal Party, 'We will do whatever you ask us; just give us the questions and we will put them forward.'

At the same time, pensioners in rural and region New South Wales will be $80 a week worse off as a result of the changes in this budget to the indexation of pensions. You never hear a word from the National Party on these things. People in Armidale, people in Tamworth, people in Coonabarabran and people in all the regions of New South Wales will be doing it tough because of this budget, and they should understand that the state New South Wales Liberal Party have not raised a voice on these issues that are so important to their welfare. The National Party have not raised a peak about these issues on New South Wales welfare and the problems that they are going to create. Under this budget, a single-income mum will be six per cent worse off—$90 a week worse off—due to these budget cuts. These budget cuts are the worst that we have ever seen. They are certainly the most unfair budget cuts.

So the issue that you have to look at in terms of this government is, No. 1, credibility in terms of the promises that they made and which they just ditch time after time. There is absolutely no credibility in relation to their promises. No-one will ever believe a federal coalition government or a federal coalition party going to an election and making promises. They cannot be accepted on any promise that they make, because it will have absolutely no standing. So on credibility they are gone. The second issue is trust. The public do not trust them. The public know that they will say anything to get elected and they will ditch the promises as soon as they are elected. The public know that they will not have any decent policy from a coalition government that is absolutely steeped in ideology—an ideology that says, 'We'll look after the big end of town and those who get plenty of money and the poor can look after themselves. They can go to a charity.'

That is what is happening with this coalition government. Young people who may have mental disabilities and young people who cannot get a job will be told, 'You will survive without any income for six months.' Pensioners and seniors will be 80 bucks a week worse off and young people will be left with no money. Yet what does this budget do if you are on three times the average income? If you are on three times the average income you pay an extra $24—one per cent. If you are a single parent with an eight-year-old you are 12 per cent down. If you are an unemployed 23-year-old, you are 18 per cent down.

There is no fairness to this budget, and the coalition will pay a huge price at the next election because of their untruthfulness with the electorate and their incapacity to deliver on their promises. It is a bad government, a chaotic government, a government in disarray and a one-term government. I seek leave to continue my remarks.

Leave granted.

Education and Employment References Committee
Report

Debate resumed on the motion:
That the Senate take note of the report.
Senator KIM CARR (Victoria) (18:51): I wish to speak to the Education and Employment References Committee report, Principles of the Higher Education and Research Reform Bill 2014, and related matters. I would like to respond to some of the remarks that have made here this evening by Senator McKenzie and address some of the substantive questions that have arisen in the wake of the tabling of this report and the statements that have been made in certain newspapers about the response. I note, for instance, in The Australian this morning it is stated that:

Vice-chancellors are united in their condemnation of Senate crossbenchers for rejecting the government's higher education reform package.

That is a statement that is just not true. The report in The Australian this morning is just not true. A letter has been received by The Australian from the Vice-Chancellor of the University of Technology Sydney, Professor Attila Brungs, highlighting the fact that his remarks were in a context that was entirely different from what the report would suggest. I understand that a reference to that letter has been published online today in The Australian.

This report follows a government campaign to suggest that the view across the university system is in agreement with the government's position, as distinct from the overwhelming weight of public opinion on the $100,000 degree policy that this government has been pursuing. It is stated that 40 of the 41 vice-chancellors have supported the government's package. Of course, this is not true, because all of them have opposed the funding cuts, in one form or another. These cuts remain central to the government's package, no matter what chicanery the minister pursues in his sham claims about the splitting of the bill. He knew all along that the bill would never be split in this chamber, because it would not get past the second reading. It was a sham to make that claim. It was not the case. The proposition that we voted on earlier this week was a bill which contained the government's package as a whole.

We know that very substantial criticism of the government's deregulation package has been expressed by the vice-chancellors of Deakin University, Swinburne University of Technology, University of Technology Sydney, University of Canberra, University of Newcastle, University of South Australia, Victoria University, and Federation University just to name a few, and I do not think that I have got anywhere near an exhaustive list. The claims that are being made by this government about its approach to higher education carry the presumption that it will say and do anything irrespective of the facts and any real knowledge of what is actually happening.

Those opposite claim, for instance, that the universities are faced with a crisis of funding. We know a few simple propositions which should be to drawn to the attention of anyone following this issue. One is that under the Labor government university funding was budgeted to increase by 100 per cent between the periods of 2007 through to 2017—the end of the forward estimates when we left office. That was acknowledged by Universities Australia, of all people, in their confidential briefing notes to the witnesses that appeared before the Senate inquiry—a copy of which I was fortunate enough to secure. The notes acknowledged that the per student funding went up by 12 per cent in real terms under the Labor government. There are 190,000 extra students in the system today than otherwise would be the case. Of those, some 36,000 came from the poorer community, from the lower socioeconomic groups, as mentioned in the normal statistics on this. For each one of those students, along with for all the other students enrolled, universities were receiving on balance a 12.5 per cent real
increase in the funding per student. We can also point to the fact that in Australia today, under the existing arrangements—without this government's attempt to take 20 per cent of the universities' money away—all universities in Australia are currently running at a profit. The only funding crisis that occurs is the one created by a government that is seeking to take 20 per cent of the universities' money.

We know that that is 20 per cent from teaching and learning; it does not include the money that the government is trying to take from research programs. We saw the minister's callous and totally inappropriate attempt to hold hostage the science and infrastructure program, NCRIS, last Sunday. He said that, if the Senate did not agree with this government's crooked policies, then there would be 1,700 jobs at risk. So I say that the only funding uncertainty is caused by the government continuing to pursue this policy. We all know the facts. As a result of the votes of the Senate, within one month $900 million will have to be paid by the Commonwealth to universities, in funding that is currently withheld from them. Further, on 1 January next year, when the new calendar year cuts in, under the existing funding formulas in the bill, $1.9 billion more across the forward estimates has to be paid to the universities than otherwise would be the case. I think that, rather than condemning senators here, people should be congratulating them for providing more money to the universities as a direct result of the votes taken this week.

Vice-chancellors will say that the real problem is that universities are becoming increasingly dependent on international students for income. What we do know is that recruitment of international students is facing, from time to time, difficulties. At the moment, it is increasing because of the lower dollar. But the reality is that the difficulties that have arisen from time to time have been because of increased course costs and the cost of living in Australia—none of which are regulated, I might add—which are amongst the highest in the world. In order for our universities to continue to grow, they need to convince prospective students that theirs is a world-leading university.

The fact is that Australia has a world-leading university system. We know that as a system, by international standards, we are amongst best in the world. We also know that vice-chancellors use the money that they take from undergraduate students to fund research programs. Of course, it is domestic students, under the government's proposals, that would see skyrocketing debt, skyrocketing prices—two or three times the cost of a degree at the moment, up to $100,000—and that extra money would be then directed towards the research programs. Nothing would be said about the student experience. Nothing would be said about the quality of education. Of course, the attempt would be made to lift the university's ranking in the international scales to attract more international students.

We do know that there has been no discussion whatsoever about the morality of students paying, through debt, for the research program. What we can say is that the proposition that the government is advancing is that there should be increased fees for domestic students and that that money be used to fund research programs. The fees could be two or three times the amount of money that students are paying at the moment. What is the morality of that? How do you justify that action when we know that the gap between teaching and research funding has been growing in recent years? According to the LH Martin Institute, between 2002 and 2012 the gap has grown from $1.2 billion to $4.5 billion. So the full cost of research is a real issue. The way we address that is not by gouging prices from students. The answer to price
gouging will never be the proposition that has been advanced by this government that we should impose a great, big, new tax, which is what the Chapman proposal is. How do we know that? It has two effects. When the British government looked at this problem, it said that a proposition such as this increases prices. It does not force prices down; it increases prices. The increases in student prices through their degrees flow throughout the entire CPI network. It increases the inflation rate for the whole country. So there is a real consequence here.

It is about the quality of Australian education and the opportunities that we provide, and the sort of country we want to be. Senator McKenzie ought to be speaking a little more about what it is like to be a doormat in this government, the failure to defend rural and regional students and the failure to defend mature age students—for instance, mature age students at the Warrnambool campus who would be directly affected by this. I seek leave to continue my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

The PRESIDENT (19:01): Order! I propose the question:

That the Senate do now adjourn.

Western Australia: Cyclone Olwyn

Senator SMITH (Western Australia) (19:01): I rise this evening to reflect on tropical cyclone Olwyn, which struck in Western Australia's Pilbara and Gascoyne regions last Friday, and has inflicted major damage on many local communities within the federal electorate of Durack. There are many localities that have felt the force of tropical cyclone Olwyn's fury, including Exmouth, Denham, Shark Bay and Coral Bay. But perhaps the most significantly affected area has been the community in and around the town of Carnarvon, where the local horticulture industry has been devastated by the cyclone. It seems doubly cruel because, after numerous seasonal setbacks over recent years, local crop growers finally seemed assured of a good season. Cyclone Olwyn has now dashed those hopes, entirely destroying the region's banana plantations, flattening grape and other fruit and vegetable crops, and placing further economic strain on a region that has already experienced its share of hardships in that respect.

I was pleased that the federal and WA governments have worked closely together this week to provide the appropriate forms of assistance to those who have and continue to suffer the full force of the cyclone's impact. This includes assistance provided through the jointly funded Commonwealth state Natural Disaster Relief and Recovery Arrangements. This program provides help in the form of food supplies, clothing and accommodation to families in need of these essential items, as well as for repairs to homes and replacement of household contents. The program also provides further assistance in the form of interest rate subsidies for producers and small businesses affected by the cyclone, and freight subsidies for producers to help meet the cost of transporting livestock and equipment to non-affected areas. It also provides financial assistance to local government authorities as they go about the difficult work of repairing damaged public infrastructure and general clean-up operations.

It is a task that will be significant, with the damage to crops and to local infrastructure estimated to be north of $100 million. At this point, it is appropriate that I acknowledge the President of the Shire Carnarvon, Karl Brandenburg, whom I have had the pleasure of meeting and working with on previous occasions and who has been absolutely steadfast this
week in highlighting the cyclone's impact on his community and in advocating for the need for support. In many ways, his no-nonsense approach and clear focus this week personifies the whole community's determination to recover from its effects, as Carnarvon has done on so many occasions in the past. Mr Brandenburg can be confident of the full support he has from both myself and the federal member for Durack, Melissa Price.

Understandably, there has been a significant level of media coverage of the cyclone's after effects this week. I know my colleague Melissa Price was in Carnarvon at the weekend to see firsthand the damage and offer her own and the government's support to the local community. There have also been ministers from the WA state government on the ground to lend their support, and I know the state Treasurer, Dr Mike Nahan, with whom I met earlier today, is planning to visit tomorrow.

The physical clean-up is one thing, and will be difficult enough in itself. But as we know from experience with other natural disasters, it is the economic and the psychological scars that can often take longer to heal. As I mentioned earlier, many growers were looking forward to a bumper season. That is now off the cards. And quite apart from the obvious economic effects of that, there is a more personal sense of loss. Local growers have experienced bushfires, floods, drought, a locust plague and now a cyclone over just a few years. The sense of 'Will it ever end?' is strong amongst many in the local community.

In that respect, I am pleased that the federal government's Disaster Recovery Allowance program has been made available to those affected by the cyclone and counselling services provided as part of that which will be incredibly important over the coming weeks. Having spoken to many Liberals in the Carnarvon community, I know that this was high on their list of community needs. Yet, in reading some of the media coverage and the personal stories that have been shared by local residents over the past few days, what has struck me most is their resilience. No-one is saying: 'It's all too hard. I'm packing up. I'm leaving.' There is a determination amongst growers and amongst people living across the region not to let circumstances defeat them. This determination is something that I am sure all senators will join me in expressing their admiration for. I am also sure senators will join me in assuring the people in Carnarvon and surrounding districts across the Pilbara and the Gascoyne who have felt the impact of cyclone Olwyn that they have our full support.

**Housing Affordability**

**Senator MADIGAN** (Victoria) (19:06): Tonight I wish to speak about housing affordability and the issue of negative gearing. Negative gearing is a divisive issue. Many people love it and many people hate it. Neither side it seems is willing to forfeit ground. The core issue is that it encourages investors to purchase houses and this encourages the inflation of house prices. It is important, however, that we do not dehumanise housing investors. Many property market investors are mums and dads. They are trying to get ahead in life. They choose to put their hard-earned money in bricks and mortar and land rather than the share market or dodgy investment schemes. Many investors who build or purchase an investment property do so through hardship and sacrifice. Other, more wealthy investors, are looking to diversify, and property is just one part of their portfolio.

According to an HIA report, the house price to house income ratio doubled between the years 1995 and 2010 from 2.3 times household income to 4.6 times. It is becoming more
expensive to buy a home. Negative gearing as we know it has been a key contributing factor in this. Negative gearing transforms houses into commodities for those who own them.

We have a situation in this country where single- and dual-income families must compete with big local and foreign investors to purchase a home. Homes have become a commodity for investors to store and make a profit on their capital. Do I suggest that it would be a good idea to get rid of negative gearing altogether? Absolutely not. Negative gearing has a place.

Contrary to popular belief, building a house and renting is not for the risk averse. It requires hard work, and things can go wrong. When considering the rental market debate, if one actually looks at the expenses landlords incur due to wear and tear, leasing properties is still a risky business. It is for this reason that I believe negative gearing should only be made available to those who invest in the interest of the community. For example, a mum-and-dad investor who builds new houses of a size suitable for a family should be encouraged. Sure, they are going to make a profit from the rent, but the community will profit from an increase in supply on the housing market. A mum-and-dad investor who purchases an already established home should not be encouraged, because they are simply competing with those who are trying to buy a home for themselves.

I do not profess to have all the answers; however, I believe we should place a limit on the current negative gearing system. Whether this means you can negatively gear up to five newly built properties or whether one can negatively gear up to a certain value, I think these ideas should be considered when addressing negative gearing. We need more housing. Negative gearing is a factor. Its form and future must be part of the public debate.

Community Services

Senator McGrath (Queensland) (19:10): It is no secret that I am a firm believer in the fundamental liberal principles of small government, of free markets and of individual liberty and personal responsibility, but people of my ilk are often berated by those on the left—the Greens and Labor—for being cold, uncaring and unfeeling. This character assessment follows a flawed logic: that a belief in less government involvement in people's lives is necessarily incompatible with having a generous heart.

The left is wrong when it says that, if something is socially good, it must be done by government, that taxpayer funded programs and distant bureaucrats are the only source of welfare cohesion and social support. Community organisations, religious groups and not-for-profits have a long history of successfully looking out for the marginalised and less fortunate members of the Australian community.

Indeed, part of that model is something I would like to talk about tonight, and that is the social enterprise model. Social enterprises are defined in different ways, but at their core they share the goals of improving social and community wellbeing through the application of essentially free market business principles. Rather than only aiming to maximise profits—which I think is a wonderful thing and still important—social enterprises focus on how their business activities can be directed towards facilitating social good and development. For example, they can adapt management practices and reinvest profits in a way that is targeted towards a virtuous circle of continued social improvement. There is no one-size-fits-all with social enterprises, which operate as not-for-profits, cooperatives and community owned

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businesses. This flexibility allows social enterprises to deliver a range of benefits throughout community.

Of course, there are the economic benefits, which I, being on the right, get particularly excited about. Social enterprises in many shapes and sizes boost jobs and investment, often in areas otherwise neglected by traditional business activities. In particular, small businesses, the engine room of our economy, provide the perfect scale for nimble and adaptable social enterprises which can tailor their services to their local communities.

But the driving force behind these enterprises is what they can achieve in terms of social benefits. The best form of welfare is a job. The benefits of employment—dignity, self-reliance, confidence, and skills development—provide a platform for new migrants, the long-term unemployed and other disengaged individuals to enter the workforce. By tailoring hiring policies to actively target these members of the community, social enterprises help to break down barriers and improve social cohesion. In addition, social enterprises often provide training services to cater for skills shortages that may otherwise prevent people in the local community from obtaining employment.

Internationally, we have seen the Conservative Party under the leadership of David Cameron utilise centre-right principles to achieve social progress under the banner of the Big Society. The Big Society champions the redistribution of power away from the state—from the politicians and the bureaucrats—to individuals and local communities. The ideal is to have a society with higher levels of personal, civic, and corporate responsibility with volunteerism, ingenuity, and community engagement, rather than the dead hand of government, as drivers of local change. As part of this, the Conservatives have sought to strengthen and support social enterprises in the United Kingdom, recognising the important role that the sector can play in an otherwise straitened fiscal environment.

Research in Australia has highlighted the benefits of the sector at home. In June 2010 the Finding Australia's Social Enterprise Sector report was handed down, shedding some light on this rapidly growing sector. At that time it was estimated that 20,000 social enterprises existed in Australia, a 37 per cent increase over the previous five years; 73 per cent had been in operation for at least five years; and 62 per cent had been in operation for at least 10 years, displaying the sustainability in the social enterprise model. The sector as a whole generated almost 40 per cent of its income from trading activities across a wide range of goods and services—an impressive $22 billion annually—and constituted up to three per cent of gross domestic product. Encouragingly, 57 per cent of social enterprises reported that they reinvested any profits back into improving their businesses and extending their outreach to their target demographics. While no doubt the sector has changed significantly over the last five years, its benefits are plain to see.

As an illustration of the work being done, I would like to share an example of a successful social enterprise from my home state of Queensland. Access Community Services Limited, based in Logan, is a leader in settlement, employment, training and youth services to migrants, refugees and other clients. Its operations primarily cover Logan, Ipswich and the Gold Coast but reach right across Queensland. At its inception, Access identified a need to provide transport to jobseekers, especially those from a migrant background, in a region where public transport options were not always suitable. It came up with an innovative solution and established a driving school. This first social enterprise has since trained
thousands of jobseekers from numerous cultural and ethnic backgrounds, enabling them to travel to work and take part in employment and community activities. Access has since gone from strength to strength, integrating a range of different businesses in a coordinated approach to cater for a diverse range of client needs. There is a real estate agency, a cafe and a virtual op shop. There are integrated gardening, repairs, moving and waste management businesses, which have provided niche employment opportunities and filled service gaps for local councils including Logan City and the Western Downs Region. There are further plans to diversify, which I will touch on shortly.

This approach again highlights the unique benefits of the social enterprise model. Not only does each business provide employment and training to new migrants and other clients, but the profits generated can then be put towards supporting Access’s other youth, employment and training, and settlement programs. In December last year, I had the pleasure of visiting some of Access’s operations in Logan. There I met with Access CEO Gail Ker OAM and her team, who are strong and passionate believers in social enterprise and what they can do for local communities not just in Logan but across Queensland. The most exciting part of the day was the showcase of Access’s newest enterprise—the Spice Exchange. The Spice Exchange aims to provide migrant, refugee and other disengaged women with a soft entry into the workforce through food and culture. The women create recipes for different spices and mix the ingredients themselves, which are then sold commercially. This environment allows the women to pass on their own cultural journey through the products they create—some of which I got to taste test during my visit. Not only do the women have an opportunity to develop their English, interpersonal skills and self-confidence but, most importantly, they get to develop their small business skills such as budgeting and marketing—also part of the on-the-job training at the Spice Exchange—so hopefully they can go out into the broader community and establish their own businesses. For the Harmony Day celebrations in Cloncurry this Sunday, the Spice Exchange will be formally launched in conjunction with the Cloncurry Shire Council and the local Country Women’s Association branch—a great example of community and cultural engagement. I am sorry that I have to apologise for not being able to be there on the day due to boring logistical reasons.

Following on from my visit to Access down in Logan with Gail and her team I think it would be appropriate for parliament to establish a parliamentary friendship group supporting social enterprise. I will be writing to MPs and senators in the near future to gauge their support for such a friendship group. I would particularly like to thank my friend Carmen Garcia for highlighting for me the good work the social enterprise sector can do in local communities. Her dedication to assisting migrants, multicultural youth and other disengaged individuals in taking part in the Australian way of life is commendable. I congratulate Carmen on the recent birth of her son Cooper—a big baby boy at 9 pounds 12 ounces, which I am told is rather large. Female senators are nodding in agreement; the men are just looking awkward!

The social enterprise model is something is something that should be supported because it combines the best of what I believe is the freedom of the individual in terms of smaller government and a greater responsibility for the individual to take care of themselves.

National Close the Gap Day

Senator LINES (Western Australia) (19:19): Today on National Close the Gap day, just when we thought the Prime Minister had reached rock bottom with his insulting comments
about 'lifestyle choices' in relation to homeland communities, he makes a most obnoxious comment to Labor leader Bill Shorten for which he then makes the most lame, insincere withdrawal. But of course we know it is in the nature of the Prime Minister to make insulting comments—to women, to crossbenchers and to countless others. In fact his 'lifestyle choice' is just a recycled nasty comment, because he referred some time ago to those who find themselves homeless as making a lifestyle choice. He makes these comments deliberately, presumably to connect with his rapidly diminishing base. Australians expect more than this from their Prime Minister but unfortunately this Prime Minister has sunk lower and lower with his insulting, hurtful comments. His 'lifestyle' comments play right into the hands of those who think that Aboriginal people are a drain on the national purse, and on National Close the Gap Day we continue to hear from Aboriginal organisations across the country that have lost funding under the government's new failed Aboriginal advancement strategy. The government can shout at Labor all it likes, but the facts are that frontline Aboriginal services across this country have lost funding—they have had their funding cut by the Abbott government.

Today, as a Western Australian, I am proud to say that Perth turned out in its thousands to send a very big, loud and strong message to the Prime Minister and Premier Barnett that homeland communities must not be closed. Western Australians were joined by many thousands of other Australians across the country who also rallied to protest the closure of WA homeland communities. This snap decision to close homeland communities was announced by Colin Barnett without any consultation with those communities, and despite repeated promises and commitments from the Barnett government there still has not been one skerrick of consultation with Aboriginal communities about the future of their homes.

The federal government has given WA $90 million to fund services to communities for the next two years—but then what? You would think, if you just listened to the Prime Minister and to Premier Barnett, that WA was a hopeless case. But of course they are wrong. They hold this view about homeland communities and Aboriginal people in general because they are ignorant of what is actually happening.

Just a few weeks ago a landmark deal was struck between Lamboo Station and Yougawalla Services. This deal provides security for the station and the Ngunjiwirri community of around 40 people. Robin Yeeda, the station manager—a Jaru man—said:

By investing in our business we are investing in our people. This means we will be able to grow our operation, providing employment and training and build a better future for our people.

Lamboo is in the remote Kimberley. The station has been transformed since the early 2000s from a struggling lease with limited infrastructure and poor quality cattle. Station infrastructure has been substantially improved, to the point of Lamboo being a viable station. At the end of the sublease deal, the community will be in a strong position to take over management of the whole station—good infrastructure, good quality cattle and good cash flow. This sublease arrangement is a means to an end. It enables the community to invest in itself, its infrastructure and its cattle.

This subleasing model could be a model for other Aboriginal rural businesses in WA to learn from and to help achieve their goals. Praise needs to be given to the corporation. Make no mistake; there is no philanthropic movement in the pastoral industry. This is a deal which the Ngunjiwirri Corporation initiated and took time to strike. They initiated the deal. Often
Aboriginal people take the best deal that is offered to them—not in this case. They considered other offers, five in fact, before making their final decision. The pastoral industry is a tough commercial world. This is a good deal for the corporation and the community.

You would think that this would be something the Prime Minister, the Western Australian Premier or even the Western Australian agriculture minister would crow about, but there has been absolute silence about this deal. There is no excuse for this ignorance or silence, as the deal is supported by the Indigenous Landholder Service, a partnership between the state and federal governments, between the Department of Agriculture and Food in Western Australia and the Indigenous Land Corporation, or ILC. But the Premier and the Prime Minister prefer to continue with their slur against Aboriginal people—that somehow we need to help them, that somehow they cannot manage and get on making a life for themselves without some kind of whitefella input. They are wrong, and Lamboo Station is not an isolated case. But there was no media release—nothing. There was absolute silence from the Western Australian government and the federal government. It is because their world view of Aboriginal people is that they are a drain on the public purse.

The Ngunjiwirri example is one of many. There are countless microbusinesses on homeland stations: tourism, food and the list goes on. Again, however, if all you did was listen to Premier Barnett and the Prime Minister, who go on about there being no services and no schools, you would think these community homelands were hopeless—and again you would be wrong. Premier Barnett cannot even give us a list of which communities he is talking about. He cannot be definitive about where the homeland communities are. He has no idea and he has made no effort at all to find out.

Premier Barnett has set up a committee to look at homeland communities. You would think that, in 2015, such a committee would include some Aboriginal leaders or indeed some Aboriginal people from those community homelands. No, the committee is made up of bureaucrats from within his department, and they are sitting in judgement right now on homeland communities in Western Australia. It is not good enough. I am proud to say that today thousands of Western Australians took the time to meet at the state parliament house and let Premier Barnett know in no uncertain terms that homeland communities, whilst they may not be valued by the Prime Minister, are certainly valued by those thousands of Western Australians. That is not to mention all the other Australians who, on Close the Gap Day, took the opportunity to send a very strong message to the Prime Minister and the Premier that their approach is not good enough.

I report sadly that on Close the Gap Day there is a Nyoongar tent embassy on Heirisson Island—the Nyoongar are people from the south-west of Western Australia—protesting homelessness. Many of them do not have homes to go to. Yet I am sure that what we will see in Western Australia, with the harsh response from the police and Premier Barnett, is the eventual removal of those Nyoongar people from Heirisson Island. They have already had their tents confiscated, yet Heirisson Island is recognised as a significant Nyoongar site under the Aboriginal Heritage Act. But in Western Australia, where Aboriginal rights are not really respected, that gives Nyoongar people no rights to occupy Heirisson Island. I am not sure where Premier Barnett thinks those homeless Nyoongar people will go. They will go to another park, another car, another relative. Many of them are the victims of the harsh policies...
we have in Western Australia. It is an absolute tragedy on Close the Gap Day. As an Australian, I want us to do much better.

**Western Australia: Agriculture**

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:29): I rise tonight to talk about Western Australia’s agriculture sector. Several weeks ago I was invited to participate in the WA Farmers Federation annual conference as part of the pollie panel. There was incredible diversity of Western Australia’s agricultural sector at the conference, and it was an enjoyable experience to talk directly to grain growers, pastoralists, those working on a large scale and those working on a small scale—people from across the sector.

It was also a pleasure two weeks ago to attend Wagin Woolorama where I spoke to not only farmers but also locals who rely on the local wool and wheat farms to create work for the whole community. I was able to have some very vigorous discussions with some of the local farming community. I have always enjoyed frank exchange of ideas with farmers and, while we disagree on some things, we actually agreed on a range of things.

A sustainable agricultural sector now and into the future is clearly vital for keeping people on the land and to keep our regional communities strong, but also for our economy and our food security—that is particularly important.

This year's WAFF conference focused on three important aspects for the future of agriculture: image, innovation and investment. There has never been a better time to talk about image in the light of current events and how important public perception and consumer confidence is in our agriculture. Unfortunately, as the hepatitis A berries crisis unfolded, it brought into sharp relief the fact that our agricultural image can be so easily damaged, even though it wasn’t our agriculture that caused the problem. The issue is now in people's consciousness, however, it is important that they understand how safe our agricultural products are.

It is quite shocking to realise that products people have bought without question can put them at significant risk. The outbreak of hepatitis A in imported berries demonstrates the biosecurity risks that Australians face and how important a strong and secure regulatory system is. Unfortunately, our regulatory system has failed to stop some contaminated food, pests and diseases crossing our borders, and this will continue if we do not improve our systems.

During my address on the Biosecurity Bill 2014 that is currently before this place, I spoke about the importance of biosecurity to our agriculture, our health and our environment. While we strongly support the updating of our biosecurity legislation, as I articulated in this place yesterday, we think that this legislation needs some improvements. It needs to deal with the overall regulatory system as well as ensuring our food safety. This means addressing some of the processes in the food import act and Food Standards Australia New Zealand—or FSANZ—by ensuring that our system is not cumbersome and that it can speedily respond to crises as they arise. We also need to ensure that we have adequate screening processes in place.

Our agricultural image needs to be and can be assured through better labelling. Senator Milne has a bill before this place on country-of-origin labelling, and the government has also made a commitment to address that issue. It is essential that we have good labelling, and that
people can be assured that, when they buy Australian produce, it is Australian produce and
quality produce.

Let me quickly turn to innovation: this is a very important topic and it was a very hot topic
at the WAFF conference. It is incredibly heartening to see the excellent research and
development that we do in Australia, but we also need to be careful not to drop the ball in this
area. A strong and continuing commitment to research and development is absolutely critical
to the future of agriculture in this country.

WA farmers have always been incredibly innovative—and I have spoken about this in this
place before: how you can have a farming system on what is in a large part of Western
Australia gutless sand. It continues to amaze me even though I have studied agricultural
science. Once you have studied it, you understand just how innovative our agricultural
scientists have had to be to foster agriculture in this country, particularly in Western Australia.
It is so important that we maintain our commitment to research and development and not
scrimp and save: that will cost agriculture.

At the conference, people asked: what is the key issue for agriculture? I said: climate
change. If we do not address climate change for agriculture, we will not have a sustainable
agricultural system into the future. Let me give an example—I have talked at length about the
impact of declining rainfall—the changing climate means that we need to invest a lot more in
frost in Western Australia. Frost has become a much bigger issue for Western Australian
farmers as a result of the changing climate.

Who knew that when you talk about climate change that you would need to talk about
frost? I bet people listening think that sounds a bit strange. In fact that is what is happening.
We need to be innovative. We need to be investing in research. We need to understand the
impacts of climate change while making sure that we have an agricultural system that
continues to adapt to this changing climate. It is not just about being able to cope with
drought—although of course that is absolutely essential. Climate change is having a range of
impacts on our agriculture, and we need to make sure we deal with that. It was really
disappointing that the Agriculture Competitiveness Green Paper did not address climate
change—it mentioned it twice but not substantially.

Then we get to investment. Of course the things I have just talked about are related to
investment—another of the 'I' themes of the WAFF conference which talked about the need
for investment. Again, it is disappointing that the government's green paper has not fully
shown and articulated enough where the Australian government intends to invest in the future
of agriculture. This is one of the important things that we absolutely need for the long-term
future of agriculture in this country. We need to be looking long term. It is not just about the
next budget; we actually need a long-term commitment to investment in agriculture. While
the government seems very keen to invest in and support mining and coal seam gas—and, in
Western Australia, the Western Australian government is investing in shale gas—it is a shame
it is not investing to the same extent in the future of our agriculture.

We are seeing big chunks of our productive farmland in the eastern states lost to coal seam
gas. We do not want to see the same thing in Western Australia. We do not want to see our
productive farmlands and agricultural lands lost to, in our case, tight gas or shale gas. We are
extremely supportive of measures that protect our farmland and water against this pressure.
We will continue to oppose the rollout of this destructive mining across our agricultural
landscape and continue to look at what measures can be taken to ensure that that farmland is protected.

One of the things that is very dear to my heart is investment in natural resource management. It distresses me greatly that there will be no more funding for Landcare and NRM grants until at least 2018. The money that has now been allocated to the regional groups and then allocated through that process is it. There is no more funding there. Again, Western Australia has held its head up high and been a leader in NRM and Landcare. I think it is going to strike to the heart of the Landcare movement that that funding has been curtailed. I will continue to lobby and urge the government to continue to invest in NRM and Landcare, to ensure that we keep those innovative practices coming, because the future of our agriculture is dependent on that funding investment.

**Victoria: Cattle Grazing in National Parks**

**Senator McKENZIE** (Victoria) (19:39): Tonight I rise to speak about the thoughtless and blatantly political actions of the Victorian Labor Party, led by Premier Daniel Andrews, who, along with the Victorian minister for the environment, Lisa Neville, have turned their back on more than 170 years of Victorian history, and indeed my own family history, by seeking a permanent ban on cattle grazing in the high country. Ms Neville this week introduced legislation into the Victorian parliament banning grazing in the Alpine National Park as well as in the River Red Gum national parks. The introduction of the National Parks Amendment (Prohibiting Cattle Grazing) Bill 2015 will amend the National Parks Act 1975 to prohibit cattle grazing for any purpose in these national parks. Minister Neville was quoted as saying:

Our national parks are for people to enjoy, not cows to destroy. The science is clear, cattle don't reduce bushfire risk in alpine areas, and they damage the alpine environment.

The Andrews Labor Government has acted so that alpine grazing will never happen again – we have closed the loophole that allowed the Coalition's so called 'scientific trial'.

By introducing this legislation today, we have ensured that Victoria's Alpine National Park and the River Red Gum national parks are free of cattle for future generations.

Labor's plan, which is supported by Bill Shorten and the federal Labor Party, including senators opposite, amounts to nothing more than one more Labor nail in the coffin of a great tradition and cultural practice in Victoria. For more than 10 years, Labor have attempted to kill off the Man from Snowy River, the Mountain Cattlemen's Association of Victoria and some of Victoria's most iconic heritage—social, economic and cultural. Thanks to the action of Premier Andrews and Minister Neville, they are one step closer.

I am committed to fighting Labor on their high-country lunacy and will work alongside the Mountain Cattlemen's Association of Victoria, my Nationals colleagues in the great state of Victoria and local communities in Wangaratta, Merrijig, Mansfield, Omeo, Benambra and right throughout both sides of the mountains. I note the great work undertaken by the former Victorian coalition government, which last year, with support from the federal government, embarked on a three-year trial investigating the role of grazing in mitigating fire risk in the high country. Despite Labor's claim that the science is behind them, they acted quickly to shut down this three-year scientific trial that would actually allow us to ascertain the veracity of this from a scientific perspective. Before any outcomes were known, they have moved to kill off cattle grazing in Victorian national parks, in what can only be viewed as a cheap political point-scoring exercise.
I am not going to stand here and debate the science, because we have closed the trial down before it could actually get the data. I think 170 years of cattle grazing in our high country has showed us the significant value that graziers deliver to our high country. I know the value of their knowledge of their country—of the tracks, of the trees, of the forests themselves. Each family have a very intimate knowledge of their own specific holdings that has been handed down from generation to generation.

We can only assume this backwards move is designed to appease the Greens, as a significant knee-jerk reaction to the state election, where the Labor Party lost inner urban seats to the Greens. They have decided that the best way to manage our national parks is to lock them up. They have decided that human intervention in our high country is a bad thing, when we know that in fact it is the best way to manage our national parks. They have completely ignored the fact that, during the 50,000 years before white settlement, our Indigenous forebears carefully and methodically managed the environment with fire and that, over the past 200 years since white settlement, our cattle graziers have taken over that great work. They ignore the fact that, even though cattle have spent the vast majority of the past 170 years in the high country, and there was controlled burning undertaken by the local Indigenous population, we still have strong biodiversity values, and native plants and animals have continued to thrive. Quite frankly, the world did not end, as many on the Left would claim it would. They also ignore the fact that tens of thousands of deer graze every day in the national park and they trash the bogs and springs in their wallows. Rabbits, wild dogs, foxes and other feral pests are allowed to roam free without oversight and proper management, causing damage far greater than Labor and the Left falsely claim the carefully managed cattle would do. It was our cattlemen who were the best at managing these pests, because they had strong incentive to do so. Locking up our national parks has never been the answer here in Australia. It appals me and many who live and work in regional communities that it has been allowed to occur.

I think it is pertinent to ask what the alternative plan being put forward by Labor actually is to manage the fuel loads, manage the alpine park and manage the feral animals and plants—because there isn't one. I would love for someone on the other side of politics to prove me wrong and tell me that it is not just another step in the strategy of locking it up and throwing away the key. The lock it up and throw away the key world view which has emerged here reminds me of the duck shooting debate. It is the opening of duck shooting this weekend in the great state of Victoria. I know that many of our 46,000 licensed game hunters will be participating over coming months in a great cultural practice and, hopefully, serving up some great game meat at their tables as a result.

Whilst inner-city elites in Richmond et al might happily chow down on a serving of Peking duck and a Tsingtao at their local Chinese restaurant in the great Chinatown of Melbourne on a Friday night, probably before they head off to the kumbaya symposium, they would actually love to end duck shooting for good. Who knows, the next step for the Labor government in Victoria may have that one on its radar. But those who understand game hunting and the licensed game hunter know that there are no better environmentalists. Take, for example, in Gippsland and in and around Sale, where duck shooting is a way of life for many. It was in Sale where the Victorian Field and Game Association was established in 1958. It was formed by hunters who were concerned at the loss of wetland habitat for the game birds they loved to
observe and to hunt. At its first meeting, the association adopted the following motto, first uttered by King George VI, which still stands today:

The wildlife of today is not ours to dispose of as we please. We have it in trust. We must account for it to those who come after.

These true environmentalists, practical conservationists, set about developing Victorian facilities for game-bird hunting by the promotion of game bird conservation and management principles. They set out to develop a greater public appreciation of the pleasures and values of game-bird hunting and lobby for the establishment of a shooter's licence to fund game conservation. Their initial efforts saw them develop three wetlands of significance, including the Winton Swamp near Benalla, which is now Lake Mokoan, Tower Hill in western Victoria and Jack Smith Lake in Gippsland. They did this because hunters place a value on swampland which, because of its unsuitability for agriculture, was otherwise regarded as being useless. This vision quickly caught on, and the sought-after shooter's licence was quickly established in 1959. Many of the wetland reserves in Victoria owe their existence to the shooter's licence, which now raises over $4 million annually.

Field and Game Association members—and I do declare an interest as a member—understand they have an obligation to continue playing an active role in the management of habitat and wildlife resources. Wildlife is a renewable resource but it is one that can be destroyed without proper management. While many on the Left fail to understand that hunting and conversation are and can be compatible, history shows us that the intense interest of hunters in the welfare of the targeted species ensures its survival. Look overseas, where we see many nations sustainably manage a range of game stock that ensures appropriate conservation of the species, economic benefit to local communities and, indeed, an avenue for individuals, families and communities to practise the important cultural practices of hunting.

While Labor and the Left would love nothing more than to see duck shooting head the way of cattle grazing in the high country and shut it down for good, I am quite certain they believe that it is the right thing to do. The entire National Party team here in Canberra and throughout Victoria is committed to seeing cattle return to the high country. It was great to have the President of the Mountain Cattlemen's Association, Charlie Lovick, and Graeme Stoney up here this week so that they could share their experience of their beautiful landscape and their beautiful country and represent the proud families of the mountain cattlemen and women, who gather each year to celebrate at either one side of the mountain—this year it was Mitta Mitta; next year it will be on the other side of the mountain. I hope, before too long, we will see common sense prevail and the great cultural practice of high country grazing return.

Special Broadcasting Service

Senator DASTYARI (New South Wales) (19:49): I just want to make a few brief remarks following what happened today in the Senate estimates hearing of the Environment and Communications Legislation Committee. Today, we held a continuation of an earlier hearing, where we were able to have some executives from SBS come to try and answer questions that were not able to be answered because of the lack of availability of the correct people at a previous estimates hearing.

Let me just be perfectly clear: the performance today by the chairman of SBS was pathetic. It was deplorable. There is no doubt in my mind and, I think, increasingly in the mind of senators and people across this place that, frankly, he should no longer be the chairman of
SBS. The fact is that the chairman of SBS, who gets paid $120,000 on a five-year contract—a total of $600,000 worth of public money—was not prepared to come before Senate estimates and answer a single question about the application procedure and was not able to address very legitimate concerns about whether or not he lied to the application process to actually obtain the job.

The system that has been set up is not perfect. Perhaps, it is worthy of review from time to time. But an independent process was set up as part of the appointment process. There are those on this side of the chamber who have outlined concerns in the past as to the fact that a few people with strong conservative bias may have been appointed to the application process. My issue is not with that. My issue is with the serious allegations that false and misleading information was given to the selection process which resulted in Mr Nihal Gupta becoming chairman of SBS. There are serious allegations there that he would not have been one of the three names that was presented to government to make a decision if he had actually given true and accurate information. What is so concerning is that Mr Gupta refused to answer any question, that the department itself refused to answer questions, and that the minister effectively ran a protection racket to ensure that no questions were going to be asked and that no answers were going to be given.

Very concerning for Mr Gupta, there were two bits of information that are going to be proven incorrect. He unequivocally said that he had not been contacting politicians and urging them to try and speak to me to get the hearing called off. He unequivocally said—and this will be tested at a future time—that he had not said to former senators of this place that, 'It will not be in Sam Dastyari's political interest to continue to pursue me like this.' That is something that is going to be tested through the appropriate channels. He unequivocally said that he had not spoken to the other members of the board, to other politicians or to other people saying that he personally had no faith in a botched attempt to try and sack the CEO of SBS—a move that failed when the board unanimously ended up deciding to reappoint the chairman of the SBS—in a midnight poor attempt of a coup when he called a snap meeting of the SBS board to try and not reneew the contract of the chairman.

The big problem is this: we in this place have legitimate questions that we should be able to put as to the selection process that was undertaken. The view of the government through the minister is that he is going to take it on review. I note that the minister that was there today was the Minister representing the Minister for Communication, Senator Fifield. I think it is worth noting that Senator Fifield is not the minister personally responsible for this as a line item. The idea that there is no avenue or opportunity to test if false or misleading information has been presented which results in someone being selected, frankly, I do not think can stand.

I think there are serious questions about the process that allowed Mr Gupta to become the chairman of SBS. I have put it on notice and I am getting information from the department what other avenues that can be pursued. Perhaps it will be through the department or perhaps it will be through the ombudsman. But I certainly intend to keep pursuing this matter through the Australian Senate.

I think it is ridiculous that you can have a situation where someone is paid $600,000, potentially by giving false and misleading information, and somehow there is a decision made that this is not an issue we can review nor something we can test. It is something I intend to pursue and something I think is of significance. Frankly, if Mr Gupta had nothing to hide, he
could have come today to Senate estimates and uttered the words, 'I provided no false or misleading information.' He could have gone through the information that was presented.

Let's be clear what the allegation is. Mr Gupta allegedly provided information that he ran a company of 200 employees in the communications space. It turns out that half of his claim was true. He is the managing director. He is the only employee—he is also the receptionist—of his firm. There was false information given about his company and false information given about his previous employment. I believe that by giving selection panel the wrong information, we ended up with what has ultimately become clearly the wrong result.

It is a matter that I think deserves to be pursued. It is a matter that deserves to be looked at. It is a matter that we will be continuing to look at through the environment committee but we will also be finding out what other steps we can take to investigate this matter. Frankly, I think there are serious questions. They can be answered and there was an opportunity today when Mr Gupta could have put forward his case, put forward his reasons. He failed to do so. His failure to do so really puts him in an untenable position. Mr Nihal Gupta should be removed by Minister Turnbull, the relevant minister, as the chairman of SBS because, frankly, if he cannot come to Senate estimates say that he did not lie to get his job, he should not be having it.

**World Down Syndrome Day**

*Senator MOORE (Queensland)* (19:56): March 21 is the annual World Down Syndrome Day. Today in the Senate we passed a motion which was celebrated in the Senate that acknowledged that fact and also talked about the fact that we are in currently in the middle of the fourth World Down Syndrome Conference, which is held at the UN. This year’s theme is My Opportunities, My Choices—Enjoying Full and Equal Rights and the Role of Families for the Down Syndrome Community. We also in that motion celebrated the work of Down Syndrome Australia and the number of Australians who are attending the conference because within the international movement, Down Syndrome Australia has a very proud place.

Today also in acknowledging the importance of World Down Syndrome Day, there was a function hosted by Down Syndrome Australia and also by Parliamentary Friends of Disabilities, which talked about the importance of Down Syndrome Day and had a prelaunch of the wonderful Down Syndrome Day advertisement—because we think with the time difference the official launch will be in the UN tomorrow so we are just pre-empting it a bit.

In line with the fact that we are talking about independence, we are having a campaign which is actually sponsored by CoorDown, the Coordinator of the National Associations of people with Down syndrome, which was created in 2003 and represents 74 Italian associations. CoorDown tomorrow will launch its new international campaign, which focuses on the notion of autonomous living for people with Down syndrome, including that very special feeling of independence of moving into your own home. We all know that this is a fairly common dream, though increasingly expensive, of most young couples.

This splendid advertisement that was co-produced with the help of Down Syndrome Australia, Down Madrid and the participation of Down Syndrome Development Trust UK, Movimento Down in Brazil, Saving Downs New Zealand, National Down Syndrome Society US and Japan Down Syndrome Society is the story of Salvatore and Katarina. These are two young people who are living with Down syndrome. Their story builds up into a wonderful
synopsis which gathers you into the story about these two young people who are living together. Salvatore decides that he wishes to ask Caterina to be his wife.

There is a proposal at work, in a McDonald's. McDonald's is a wonderful employer of people with Down syndrome across the globe. But this YouTube, which we can all watch, shows an acapella vocal group, Neri per Caso, which is quite famous, accompanying Salvatore singing *Come Away With Me* by Norah Jones. He kneels and asks Caterina to marry him. We then see, after this particular process, shots of them living together in their own home, independent and strong and celebrating their life together.

This is the theme of World Down Syndrome Day this year, to acknowledge independence; to show that people with Down syndrome have the capacity, the knowledge and the ability to run their own lives. All they ask from the rest of the community is support, acknowledgement and respect. This wonderful program—and I do encourage people to look at the CoorDown YouTube channel and watch this project—is called *The Special Proposal*.

This follows on from what I have to admit is one of my favourites—the YouTube clip that was created last year in the same process by the wonderful company of Saatchi & Saatchi, who provide their expertise to CoorDown in this project. Mr Giuseppe Caiazza, the CEO of Saatchi & Saatchi Italy and France, says:

… CoorDown has perfectly understood that an innovative approach can make a real difference.

Last year's YouTube was a real killer! It talked about the special bond between a mum and her child. And I am going to read the text of last year's clip, which showed the experience of a mother finding out that her baby has been identified as having Down syndrome. The voice-over says:

I'm scared: what kind of life will my child have?

Then it moves on to a series of discussions with young people—young people who have Down syndrome, young boys and young girls—and I will just read what they say:

Dear future mom, don't be afraid.
Your child will be able to do many things.
He'll be able to hug you.
He'll be able to run towards you.
He'll be able to speak and tell you he loves you.
He'll be able to go to school, like everybody.
He'll be able to learn to write. And he'll be able to write to you, if someday he is far away. Because, indeed he'll be able to travel too.

He'll be able to help his father fix his bicycle.
He'll be able to work and earn his money. And with that money he'll be able to invite you out for dinner. Or rent an apartment and go living alone.

Sometimes it will be difficult. Very difficult. Almost impossible. But isn't it like that for all mothers?
Dear future mom, your child can be happy. Just like I am. And you'll be happy too.

It was the young people making the statements. Then at the end, the young people and their mums came together on screen and it said:

People with Down syndrome can live a happy life.
Together we can make it possible.
Dear Future Mom is also available on the internet, and I defy anyone to have a dry eye while watching that! Again, what it talks about is the independence and the ability of people with Down syndrome.

Today at the morning tea we had—again, people without dry eyes were all standing together and watching these two films, which engage with the community—we were talking with Angus Houston. He came along to speak about what is happening in Australia and to talk about what Down Syndrome Australia is prioritising. Naturally—it is no surprise—for the future, Down Syndrome Australia is prioritising education and employment equality. The core of breaking down that aspect of difference—where we would have no opportunity for open education processes—is a sense of low expectation, that there is somehow a lower expectation for people with Down syndrome, and that is just not right.

In his comments, Mr Houston said that the lower expectation barriers that people with Down syndrome face include the low-expectation environment that saw a couple abandon a twin in Thailand because the child had Down syndrome. It is the low-expectation environment which led to a recent Senate inquiry into the involuntary sterilisation of girls and women with disabilities. I was fortunate enough to be involved in that inquiry and, again, it was a feeling of low expectation for anyone with disabilities, so that young women were not given the right to make choices for themselves. But for their own good—and I stress that 'for their own good'—people outside them could determine whether they should be sterilised and not have choices.

It is this low expectation in our country that sees Australia ranked 21 out of 29 OECD countries in relation to employment participation rates for people with disability. And these numbers are even worse when we actually isolate the figures for people with intellectual disability.

We can listen to the voices of people with disability, particularly today to people in the Down syndrome community. They tell us, 'Don't be afraid, Mum.' They tell us that they want to have their own lives and their independence. And when you see Salvatore and Caterina, sitting together looking at their own home after that incredibly romantic experience, you know that there is hope. You know that they do not have low expectations of their own lives and that they do not care whether other people have low expectations either, because they can do it. What they need from us—what they need from the wider community—is support and respect.

It is a wonderful thing that today our parliament has actually moved a motion to acknowledge World Down Syndrome Day. We have lessons to learn, but I think that as a result of opportunities, like watching Salvatore and Caterina and those wonderful young people and their mums, we have hope. We must have hope.

Tasmania: Granville Harbour Wind Farm

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (20:06): I would like to talk today about a part of Tasmania that is very close to my heart: the West Coast. It is a region of great beauty, but it is also a region which has suffered some very serious blows to the local economy of late. The West Coast has been a long-time source of mineral wealth, which has been integral to Tasmania's growth and development. Two of the biggest mines in the region are the Mount Lyell copper mine in Queenstown and the Henty...
Gold Mine on the edge of the West Coast Range. These mines were central to life for hundreds of families living on the West Coast. They were cornerstones of many communities and they drove money into the local economy.

But last year, there were two announcements that both of these mines would close. The Mount Lyell mine closed at the end of last year, closing a chapter of West Coast history which stretches back to the 19th century. Two hundred local jobs were lost. Within three days of this news, we learnt that another 150 jobs are due to go at the Henty Gold Mine, which has been in operation for around two decades. This mine is set to close in the middle of this year. These closures, and the ensuing job losses, are having serious impacts on the community with the effects flowing through into local economies. Some businesses are seeing their takings drop and locals are facing the difficult decisions about whether they can afford to stay in the area that they call home.

Labor understands how important it is for all levels of government to work together at this point on solutions for the West Coast. To this end, the Leader of the Opposition, Bill Shorten, took the time to accompany me on a visit to the West Coast toward the end of last year. We went to Burnie and Queenstown, where Bill met with locals and learnt about what the closures mean for the region. We met with the then mayor, Robyn Gerrity, as well as small business owners, representatives from the seafood industry and unions.

We also set out to proactively engage with the community to canvas ideas on what is needed to revitalise their region through a very successful community forum with Bill and Labor’s Shadow Minister for Regional Development and Local Government, Julie Collins. Every town on the West Coast was represented at the forum, which sent a clear message to me about how much people care about their local community. We also heard that the former Labor government’s projects are achieving their goals. There was funding which supported the ongoing operation of the West Coast Wilderness Railway, a greenfield aquaculture hub at Macquarie Harbour and a value-added aquaculture processing facility at Parramatta Creek.

During Bill’s visit, we also had the opportunity to meet with the proponents of the Granville Harbour wind farm, Alex Simpson and Royce Smith, affectionately known as the farmer and his mate. This $160 million project should be a real shining light for this region. It offers the potential to deliver at least 200 jobs for West Coast locals at a time when many are struggling to find work. When construction begins on the 33 turbines, there will at least 200 jobs for West Coast locals, with the money flowing into the wider community.

This is not a pie-in-the-sky dream. In fact, the project has already secured all the necessary government approvals. It would inject much-needed investment dollars into the region, send thousands of new rates dollars to the local council and provide a massive boost to the broader West Coast economy when construction ramps up. Clearly, there are enormous benefits of expanding wind power in Tasmania, for both the environment and job creation. Renewables is one of the largest growth sectors across the world and Australia needs to participate. Australia needs to be acting now to transition from a resource-based economy.

Mr Simpson and Mr Royce have interest from many investors. But sadly, the Granville Harbour wind farm has not been able to progress, because of the anti-investment decisions of this government. The Granville Harbour wind farm would already be under construction if the government had not turned its back on their pre-election promises on the Renewable Energy Target. Before the elections in both 2010 and 2013, Prime Minister Tony Abbott could not
have been clearer when he said, 'There will be no changes to the RET.' There were no qualifications, no caveats and no disclaimers.

Now we have seen billions of dollars in potential investment and thousands of jobs across the country become collateral damage in the government's war on renewable energy. The Granville Harbour wind farm has suffered enormously from the uncertainty that this has generated among investors. Not only that, but the government has so far completely failed to provide any sort of solutions that would keep this important project moving. It is important to remember that this uncertainty has been caused by the government that likes to tout its pro-business credentials at every opportunity.

The project proponents approached the member for Braddon, Brett Whiteley, last year about the possibility of grandfathering the project under existing RET conditions. This would have guaranteed investment and ensured that investments and jobs would follow. Despite Mr Whiteley proclaiming that he was very supportive of the project, we have seen no tangible action from him to protect or advance the Granville Harbour wind farm. The proponents have tried to overcome the sovereign risk put in their way by the Abbott government's broken promise, but government members have done nothing.

Last week, I travelled to Granville Harbour to again meet with the directors of Westcoast Wind get an update on the project. I was pleased to learn that, despite the massive frustrations caused by RET uncertainty, the Westcoast Wind directors are more determined than ever for the project to proceed. The visit made it clear to me that the project deserves to be supported. It quite simply cannot stay in limbo any more. There are aspects of the project that would be ready to go tomorrow, like the early site works and the building of an access road. I understand that a relatively small allocation of $300,000 would allow the project proponents to employ up to 25 local workers within a very short space of time. I say again: the West Coast needs this project to get started and they needed it yesterday.

At the same time as the government has been stifling investment in renewables, Prime Minister Abbott's pre-election promise to deliver a $16 million grant for Cadbury to upgrade its premises in southern Tasmania has also fallen in a heap. It turns out that the conditions placed by the government on the grant were unable to be met by the company. It is difficult to understand how the government could announce a grant before the election that the company actually would not actually be able to apply for. Whether this ill-considered promise was the result of crude electioneering or just plain mismanagement and incompetence, it is Tasmania that is paying the price for this broken promise.

Before the election, the local member for Braddon, Brett Whiteley, was proud to proclaim what the Cadbury grant would mean for Braddon. At the time, he produced a video talking up the benefits for the north-west dairy industry, referring to the grant as: 'A real solution to creating jobs, creating investment and creating wealth in our region.' This is exactly what the Granville Harbour wind farm promises.

Today, I have written a letter to Mr Whiteley calling on him to ensure that Braddon benefits from some of the money that was allocated to the Cadbury grant. In my letter, I reiterated the benefits of the Granville Harbour wind farm. I also emphasised the reality that it is as a direct result of this government's actions that the wind farm has not started already. The government needs to make up for their bungled Cadbury grant and provide a way forward for
Westcoast Wind. They also need to make amends for the uncertainty they have placed on the renewables industry.

We have already heard from Senator Abetz that the money from the Cadbury grant will stay in Tasmania. That is good news, but to my mind the West Coast deserves some of it. I call on government members to allocate some of the money from that Cadbury grant towards getting work started on the Granville Harbour wind farm. The Abbott government has abandoned the West Coast and it is about time we saw some positive action. I urge local member Brett Whiteley to follow up his stated support for the wind farm with action. I urge the government, especially Tasmanian senators in this place, to take the time to seriously investigate this opportunity.

Senate adjourned at 20:15

DOCUMENTS
Tabling

The following documents were tabled by the Clerk pursuant to statute:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Civil Aviation Act 1988—Civil Aviation Regulations 1988—Civil Aviation Order 20.18 Amendment Instrument 2015 (No. 1) [F2015L00311].

Defence Service Homes Act 1918—Defence Service Homes Insurance Scheme (Statement of Conditions) Variation 2015 [F2015L00299].

Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens – South Australian Beach-cast Seagrass and Marine Algae Fishery (11 March 2015) (deletion)—EPBC303DC/SFS/2015/11 [F2015L00305].
Amendment of List of Exempt Native Specimens – South Australian Beach-cast Seagrass and Marine Algae Fishery (11 March 2015) (inclusion)—EPBC303DC/SFS/2015/10 [F2015L00306].
Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (172) (5 March 2015) [F2015L00308].
Amendment to the list of threatened species, threatened ecological communities and key threatening processes under sections 178, 181 and 183 (174) (5 March 2015) [F2015L00309].
Amendments to the list of threatened ecological communities under section 181 (EC119 and EC129) (4 March 2015) [F2015L00300].

Fisheries Management Act 1991—Fisheries Management (Southern Bluefin Tuna Fishery) Amendment (Season) Regulation 2015—Select Legislative Instrument 2015 No. 18 [F2015L00301].


Indexed Lists of Files

The following documents were tabled by the Clerk pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2014—
Statements of compliance—
  Commonwealth Ombudsman.
  Department of Veterans' Affairs.