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**SITTING DAYS—2015**

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<th>Month</th>
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<tr>
<td>March</td>
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<td>December</td>
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FORTY-FOURTH PARLIAMENT  
FIRST SESSION—SIXTH PERIOD

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

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

Senate Party Leaders and Whips  
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz  
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC  
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion  
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash  
Leader of the Opposition in the Senate—Senator Hon. Penny Wong  
Deputy Leader of the Opposition in the Senate—Senator Hon. Stephen Conroy  
Leader of the Australian Greens—Senator Richard Di Natale  
Co-deputy Leaders of the Australian Greens in the Senate—Senator Scott Ludlam and Senator Larissa Joy Waters  
Chief Government Whip—Senator David Christopher Bushby  
Deputy Government Whips—Senators David Julian Fawcett and Anne Sowerby Ruston  
The Nationals Whip—Senator Barry James O’Sullivan  
Chief Opposition Whip—Senator Anne McEwen  
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart  
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
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<tr>
<td>Back, Christopher John</td>
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<td>LP</td>
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<tr>
<td>Bernardi, Cory</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
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<td>Brandis, Hon. George Henry, QC</td>
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<td>Colbeck, Hon. Richard Mansell</td>
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<td>Collins, Hon. Jacinta Mary Ann</td>
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<td>Fierravanti-Wells, Hon. Concetta Anna</td>
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<td>Lines, Susan</td>
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<td>Lindgren, Joanna Maria</td>
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<td>McEwen, Anne</td>
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<td>McLucas, Hon. Jan Elizabeth</td>
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<tr>
<td>Muir, Ricky Lee</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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<tr>
<th>Territory</th>
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<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<td>Gallagher, K.</td>
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<td>Seselja, Z.M.</td>
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<td></td>
<td>Scullion, N. G.</td>
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<td>Peris, N. M.</td>
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<td>Northern Territory</td>
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(1) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr), pursuant to section 15 of the Constitution.

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

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

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

**PARTY ABBREVIATIONS**

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

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Acting Secretary, Department of Parliamentary Services—D Heriot
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
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<tbody>
<tr>
<td>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>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for the Public Service</td>
<td>Senator the Hon. Eric Abetz</td>
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<tr>
<td>Minister Assisting the Prime Minister on Counter-Terrorism</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Charles Porter MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Alan Tudge MP</td>
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<tr>
<td>Minister for Infrastructure and Regional Development</td>
<td>The Hon. Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon. Jamie Briggs MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
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<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon. Julie Bishop MP</td>
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<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon. Andrew Robb AO MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>The Hon. Steven Ciobo MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Trade and</td>
<td>The Hon. Steven Ciobo MP</td>
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<td>Senator the Hon. Eric Abetz</td>
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<tr>
<td>Assistant Minister for Employment</td>
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<tr>
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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</td>
<td>Senator the Hon. George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<tr>
<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>Parliamentary Secretary to the Attorney-General</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>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon. Joshua Frydenberg MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon. Kelly O'Dwyer</td>
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<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>The Hon. Richard Colbeck</td>
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<tr>
<td>Minister for Education and Training</td>
<td>The Hon. Christopher Pyne MP</td>
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<tr>
<td>(Leader of the House)</td>
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<tr>
<td>Assistant Minister for Education and Training</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education and</td>
<td>The Hon. Scott Ryan</td>
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<tr>
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<td>The Hon. Scott Morrison MP</td>
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<tr>
<td>Assistant Minister for Social Services (Manager of Government</td>
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<td>Business in the Senate)</td>
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<td>Minister for Human Services</td>
<td>Senator the Hon. Marise Payne</td>
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<td>Senator the Hon. Concetta Fierravanti-Wells</td>
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<tr>
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<td>The Hon. Ian Macfarlane MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry and</td>
<td>The Hon. Karen Andrews MP</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
<td>The Hon. Kevin Andrews MP</td>
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<tr>
<td>Minister for Veterans' Affairs</td>
<td>Senator the Hon. Michael Ronaldson</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>Senator the Hon. Michael Ronaldson</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon. Stuart Robert MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Defence</strong></td>
<td>The Hon. Darren Chester MP</td>
</tr>
<tr>
<td><strong>Minister for Communications</strong></td>
<td>The Hon. Malcolm Turnbull MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Communications</strong></td>
<td>The Hon. Paul Fletcher MP</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon. Peter Dutton MP</td>
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<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon. Michaelia Cash</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon. Greg Hunt MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for the Environment</strong></td>
<td>The Hon. Robert Baldwin MP</td>
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<tr>
<td><strong>Minister for Finance</strong></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><strong>Minister for Health</strong></td>
<td>The Hon. Sussan Ley MP</td>
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<tr>
<td><strong>Minister for Sport</strong></td>
<td>The Hon. Sussan Ley MP</td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon. Fiona Nash</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.
<table>
<thead>
<tr>
<th>TITLE</th>
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<tr>
<td>Leader of the Opposition</td>
<td>Hon. Bill Shorten MP</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon. Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon. Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon. Jacinta Collins</td>
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<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
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<tr>
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<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
<td>Hon. Michael Danby MP</td>
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<tr>
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<td>Shadow Minister for Foreign Affairs and International Development</td>
<td>Hon. Tanya Plibersek MP</td>
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<tr>
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<td>Senator Claire Moore</td>
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<td>Hon. David Feeney MP</td>
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<td>Shadow Minister for Infrastructure and Transport</td>
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<td>Shadow Minister for Cities</td>
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<tr>
<td>Shadow Minister for Tourism</td>
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<tr>
<td>Shadow Minister for Regional Development and Local</td>
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Thursday, 18 June 2015

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

DOCUMENTS
Tabling

The Clerk: Documents are tabled pursuant to statute, in accordance with the list circulated in the chamber.

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

COMMITTEES

Constitutional Recognition of ATSIP
Economics Legislation Committee
Select Committee on the Regional Processing Centre in Nauru

Meeting

The Clerk: Proposals to meet have been lodged as follows:

Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 9.35 am.

Economics Legislation Committee—public meeting during the sitting of the Senate today, from 11.30 am, to take evidence for the committee’s inquiry into the provisions of the National Health Amendment (Pharmaceutical Benefits) Bill 2015.

Select Committee on the Recent Allegations relating to Conditions and Circumstances at the Regional Processing Centre in Nauru—private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 11 am.

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

BILLS

Freedom of Information Amendment (Requests and Reasons) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator IAN MACDONALD (Queensland) (09:32): The Freedom of Information Amendment (Requests and Reasons) Bill 2015, presented by Senator Ludwig. I understand, on behalf of the opposition, proposes to amend the Freedom of Information Act to require government agencies and ministers to publish the exact wording of freedom of information requests. It would also require agencies and ministers to publish a statement of reasons concerning the decision to allow or refuse the release of requested documents. The bill has the stated aims of ensuring that transparency and accountability are included within the framework of government decisions concerning freedom of information requests, allowing
the public to view requests that have been made and the reasons why documents were or were not released, allowing applicants seeking similar documents to build upon previous requests, and reducing duplication of requests.

They seem to be reasonable aims of the bill because accountability and transparency are essential in this building, in government and in parliament. That is why I think Mr Shorten really needs to become a bit more transparent and accountable. I read an article in this morning's *Sydney Morning Herald*, a newspaper that is not usually all that antagonistic towards the Labor Party. The first paragraph of this article states:

One of Australia's biggest builders paid Bill Shorten's union nearly $300,000 after he struck a workplace deal that cut conditions and saved the company as much as $100 million on a major Melbourne road project.

We hear a lot about accountability, particularly from the Labor Party and the Greens. I think governments should be accountable, and we as a government try to be as accountable as we can and as security conditions allow us to be. But if the Labor Party is so keen on transparency and accountability, then let's have some details about what effectively seems to be a $300,000 bribe to a union of which Mr Shorten, the current Leader of the Opposition in the other place, was in charge. I am not suggesting that Mr Shorten received any of that money himself or without further investigation that any wrongdoing perhaps occurred. I cannot be judge and jury. But clearly the question has been raised—not by me but, as I said, by an investigative journalist with the *Sydney Morning Herald*. And it seems from a skimming of the article that the journalist has done his work reasonably well and has raised a few issues that need explanation. That is what accountability and transparency are all about.

So, perhaps I might suggest to the mover of this motion that it is a good idea—it is nice to try to ensure that there are always improvements to accountability and transparency—but it would be a greater use of your talents, Senator Ludwig, if you perhaps tried to get a bit of transparency and accountability into the union movement and into the actions alleged to have involved the leader of your political party in the other place, because that is what accountability is all about. It is also important that in this country we have stable government, but it is important that we have stable oppositions as well, because good oppositions bring the best out in a good government. I see, again in this newspaper, that:

Shorten's right-wing faction has lost control of Labor's national conference …

That seems to be something that will be quite destabilising. And the editorial in that same newspaper says:

The position of Bill Shorten as federal Labor leader is becoming untenable.

**Senator Kim Carr:** Oh, really?

**Senator IAN MACDONALD:** Well, this is from the *Sydney Morning Herald*, Senator Carr. This is the paper that you continuously quote as an authority on just about everything. It is not the *Australian*, which you denigrate as often as you can. This is the *Sydney Morning Herald* investigative reporter, and he raises some questions that I think those of us who like transparency and accountability would like to see answered.

On that line of accountability and transparency, this bill has good intentions, but I think it is defective, and for that reason the government will not be supporting the bill as it is. Items 2 and 3 of Senator Ludwig's bill remove the option for an agency or minister to publish details
of how information may be obtained rather than the information itself. Senator Ludwig stated that this amendment was designed to provide the public with easy access to documents, but what it will actually do is remove the flexibility where the information cannot be readily published on a website to provide details on how the information can be accessed.

The current flexibility ensures that there is no impediment for those who are interested in accessing the particular information while at the same time not imposing an onerous administrative burden on the agency. It may not be straightforward for an agency or minister to publish some documents in accessible formats on a disclosure log or to convert documents to such formats within 10 working days. This may be an issue, for example, if information has been redacted from a document or if voluminous documents are available only in hard copy or in a PDF format. Removing the flexibility will impose an administrative burden on agencies and ministerial offices in preparing documents for publication within the 10 working days of the information being released. This could create challenges for agencies and ministers in managing increased FOI workload and could impact on processing FOI requests. That is one reason why we do not support this; there are others, but I do not think my time is going to allow me to go through them. I am sure senators who follow me in this debate will elaborate on some of them.

Again I go back to the broad principle of accountability—making information available to senators and members of the House and, through them, to the public at large through freedom-of-information requests. One of the best ways we can get information for senators and members in this chamber is the committee process, which in the Senate has been built up and refined over the years and is generally well regarded. But, of late, that process where senators can get information has been thrown into disrepute. Senator Ludwig is on a committee where Labor and the Greens have a four to two majority, but they have set down a hearing of this committee on a day they know the only two government members of that committee will not be available. That means the ability of senators in this chamber to get information and to establish accountability of public officials is limited. By a deliberate act of Senator Ludwig, Senator Collins, Senator Bilyk and the chair, Senator Wright, from the Greens political party they have set these important hearings down, with one day’s notice, on a day they know the two coalition members will not be there.

I am one of those two coalition members. I am deputy chair of the committee, but no-one had the courtesy to raise with me the possibility of a hearing tomorrow when this meeting was proposed just yesterday. Of course, I will be in Cairns supporting the Prime Minister when he launches the government’s white paper on northern development, a very major step forward for Northern Australia. Everyone who read the papers over the week knew that was on, and the Labor Party would have understood that I would not be available all day tomorrow. And Senator Reynolds, the other member of that committee, has a longstanding commitment with another committee she is on, the defence committee, at the Amberley Air Force base in Brisbane. Again, members of the Labor Party would know about that. But, knowing that the two government members would not be available tomorrow, they have deliberately set down the hearings for a day they know government members will not be there. That makes a mockery of the system of Senate committees, which are all about achieving accountability and transparency.
I might leave my remarks there. Again I suggest to the mover of the motion that, if he is interested in accountability and transparency, he would be better off changing the decision of the committee he is on to set down a hearing for a day when no government senator can be available. I know it is a Greens-Labor decision. We have even suggested that the times of that meeting could be changed to accommodate another coalition senator who might have been able to leave another meeting early to be there. Of course, the Labor Party and the Greens were not interested in that. With a chair like Senator Wright, it is all about her convenience—as for transparency and accountability, who cares? So I am concerned about that.

Senator Ludwig, I admire the thoughts behind the bill we are debating. But, again, you would be doing a greater service to the nation if you could get Mr Shorten to be a little bit more transparent and a little bit more accountable for that $300,000 payment said to have been made to the union he ran to give a commercial company a $100 million saving. Those are the real issues of accountability that I would prefer Senator Ludwig to address rather than amendments which are technically not appropriate. Senator Ludwig, I have indicated one of the reasons and, as the debate goes on, my colleagues will demonstrate other reasons why this amendment bill should not be supported in the parliament.

Senator LUDWIG (Queensland) (09:45): I rise to speak on the Freedom of Information Amendment (Requests and Reasons) Bill 2015. The Freedom of Information Amendment (Requests and Reasons) Bill seeks to amend the Freedom of Information Act 1982 to require government agencies and ministers to publish the exact wording of freedom of information requests. It will also require government agencies and ministers to publish a statement of reasons concerning their decision to allow, refuse or edit the release of requested documents. Since the Australian parliament first considered introducing freedom of information legislation in the 1970s, Labor has worked to—

The DEPUTY PRESIDENT: Senator Ludwig, I have been advised that you have already made your second reading speech via incorporation. You can speak when the debate is being closed so, unless it is your intention now to close the debate, I will put you at the bottom of the list and you can make your remarks then.

Senator LUDWIG: I am happy to do that. I can then summarise a lot of the wrong information that has been conveyed to date.

Senator RHIANNON (New South Wales) (09:46): The Greens believe that open and transparent government needs to be a prerequisite to an effective democracy. Information is central to knowing how our elected representatives are exercising their power, and to hold our representatives to account. I wanted to put that statement on the record at the beginning before going into aspects of the Freedom of Information Amendment (Requests and Reasons) Bill 2015. The Greens do support the bill, but it is very much a stopgap measure that needs to be seen in the context of what Labor did on FOI matters when they were in government. There were missed opportunities then and there are missed opportunities with this bill that is before us now.

Ideally, government agencies should be making more information publicly available as a matter of course. There is widespread community support for broad FOI laws that ensure accountability and transparency of government. At the end of the day we are talking about people who are paid by the public using public money on matters, services, that will impact on the public. That information should be readily available and, in this day with so many
digital platforms, that can be readily done. The degree to which it lags in Australia is very disappointing.

The other thing that is very relevant in this debate are the comments that are made by leaders of Labor and the Liberal-National parties when they are in opposition, which are usually very fine statements. But when they are elected we then see a retreat from those positions. It is interesting to note that this comment was made when the former Labor Prime Minister, Julia Gillard, first took office—so I do acknowledge that she was in office—but then these fine words were not adhered to. In September 2010, she said:

... we will be held more accountable than ever before, and more than any government in modern memory. We will be held to higher standards of transparency and reform, and it's in that spirit that I approach the task of forming a government.

That was certainly welcome, and many people who followed this closely—anybody who was about to put in an FOI application—obviously expected that there would be higher standards of transparency and accountability. One assumption that you would take from that statement by the then Prime Minister was that there would be real encouragement, there would be real movement, in this area.

Also relevant to this debate is the comment from the Australian Information Commissioner, Professor John McMillan. As many of you know, this is a position that is really being pushed out of the door by this current government, but his words were also very relevant. He said:

Access to information issues now have greater prominence in government. There is a marked increase in FOI requests for policy-related material, an upswing in applicants challenging access refusals through the OAIC’s independent complaint and review processes, and more media reporting based on documents obtained by FOI requests. A clear message for agencies is that information disclosure issues are important not only when access requests are received, but when documents and records are created and programs that will attract public interest are being developed. Disclosure by design is becoming a necessary practice.

I wanted to give some context to this bill because it is a missed opportunity. That is so disappointing—that a Labor senator who has in fact worked in this area has brought forward such a minimal bill.

There are some suggestions. Let's remember what could have been covered and should have been covered and should now be in law. The provisions of the FOI Act regarding the Information Publication Scheme, the IPS, resulted from the 2009-10 review and commenced operation in 2011. This requires agencies subject to the act to publish a broad range of information on their websites. The Greens very much believe that the implementation of the IPS was an important step towards greater accessibility of government held information, but, again, they were only small steps. This is an area that could have been picked up in a bill like the one before us, to improve the current situation. We need to more actively promote cultural change within government agencies. This is an issue that often comes up at estimates. It is not just about changing the law; it is about changing the culture under which it operates. By looking at the details of the law and the regulations, we can achieve that. We need government agencies to proactively publish information about their activities. This is happening in so many other jurisdictions, where the default is that government information automatically goes up on websites.
I will come to the issue of exemptions—we are not talking about everything. The exemptions are there; the protections with regard to security are in place. It is a furphy when people suggest otherwise. To emphasise, Australia is far behind international trends of using digital platforms as a very quick and easily accessible way for the public to access information that they have a right to. Consideration should be given, we believe, to making it mandatory for agencies to publish information on themselves that is currently optional, including information about agency priorities and finances; lists including agency contracts, grants and appointments; and links to datasets, submissions to other bodies and policies. It needs to be comprehensive. It clearly is time for that.

Then there is the issue that we have debated in this parliament before and that needs to be revisited when we speak about FOI changes: the need for all agencies to be covered by FOI as a matter of principle. It was very disappointing and disturbing when Labor, Liberal and the Nationals voted for the bill that allowed that exemption to continue. The Greens believe that all blanket exemptions that place certain government departments and agencies beyond the reach of FOI laws should be removed. The workings of parliamentary departments and Australia’s intelligence agencies should not be exempt from public scrutiny. The current FOI legislation already ensures protection of sensitive information by providing wide-ranging exemptions for documents that are held by agencies subject to the act. Exemptions are made for documents: that affect national security, defence or international relations; that affect enforcement of law and protection of public safety; to which secrecy provisions of enactments apply; that are subject to legal professional privilege; that contain material obtained in confidence; and that disclose trade secrets or commercially valuable information. To emphasise, the exemptions are there. That is why government departments should not be exempt overall—because within how FOI is handled the exemptions are there.

If blanket exemptions were removed, agencies coming under FOI laws would have recourse to these existing exemptions, which would adequately protect sensitive information—again, removing all those excuses and justifications for why not all government departments have been brought in. I congratulate the Australian lawyer Peter Timmins, who does outstanding work in this area. His comment on this issue is very relevant:

The effect of blanket exclusions is to remove from potential public scrutiny, and the accountability framework, information concerning the conduct of public functions and the use of public money without any balancing of the interests involved.

That is an issue that I believe will be revisited time and time again.

I really want to emphasise that public money is what keeps the House of Representatives and the Senate functioning, and the public have a right to know how that money is spent. There is no justification for that overall exemption. Parliament should not be beyond the reach of FOI. Greater disclosure of the workings of parliament and the work of MPs is critical to a healthy democracy.

The support for this change is worth sharing again with the senators. I have spoken about this before, but I believe it is so important that it warrants repeating. The respected Carter Center in the US advocates that all three government branches be subject to FOI law. A 2011 international FOI law survey marked Australia down to 39th out of 89 countries, partly because of this omission. And it is again worth remembering something else that we have spoken about before but that is highly relevant to what I am talking about and to the bill that
is before us, because it is a missed opportunity. The previous Clerk of the Senate, Mr Harry Evans, also argued for the extension of the FOI Act to parliamentary departments, noting that exemptions already protect genuinely sensitive documents. That is such an important point that is so often glossed over.

We have a bill before us that will make some changes to how FOI operates, will make it easier for people to understand what has happened with applications and will reduce the chance of duplication. But, again, I suggest that that is very minimal in terms of what we have before us. This is an issue that I very much wanted to comment on, because when I saw this bill come forward and I first saw that Senator Ludwig was moving it, I thought there was an opportunity. When Labor moves into opposition there is sometimes a change in what they put forward, and I was hoping it would have been stronger legislation than what we have now, but it is certainly very disappointing.

Another area that is very relevant when discussing FOI is the issue of MPs' entitlements—an issue that we all know ends up in the media periodically: there is scrutiny, there are complaints and there are stories about it. Surely more of that information should be in the public domain. The Greens believe that it is essential that there is public access to information about parliamentarians' entitlements. I would argue that it is a very essential component of democracy. I mentioned before that where people are employed by the public, using public money for public services and amenities, then surely that should be open to thorough scrutiny. When it comes to the lawmakers—people like ourselves—it should be absolutely essential. But it is so hard for people to find out about the money that is allocated, how it is spent and what it is spent on. Again, considering that the data is saved and reported on in a digital form, it would be quite easy for this to change.

I would like to remind senators of the experience in Scotland. If you go to the website of the Scottish parliament you can click on any member and find out about the allowances and entitlements they have available to them and how they are spending them. It is very easy. Again, these are not difficult changes. They should not even be controversial. How we go about this should be quite automatic.

More accountable government would be achieved by releasing more information on the workings of parliament and the activities of MPs. I also would argue that I think it would help restore more confidence in the democratic process and more respect for politicians. We all know that a lot of people get cynical about the democratic process and about MPs. It is something that, I have to say, troubles me, because I obviously have considerable differences with my colleagues from other parties but I respect that they are out there representing their party or, if they are Independents, the platform that they have stood on. They are working hard for those measures. But a lot of people regard senators or MPs with great cynicism, and where I find that leads to is that they start disengaging from the democratic process. They think there is no point. Everybody would have heard their arguments and criticisms. Again, that is not healthy for the democratic process, and one way we can help restore that confidence in our parliamentary institutions is by being more open, particularly with how we ourselves use money. I would very much urge that people look at that website, because it is very easy to use. The information is readily there, and it is surely something that we should be able to change over to very quickly.
I appreciate the opportunity to speak about freedom of information issues in this parliament. However, I have to put on the record that, while the Greens will support this legislation, these are very small steps and it really is a missed opportunity to do the big-picture changes that FOI legislation in this country still needs.

Senator REYNOLDS (Western Australia) (10:01): I too rise to speak on the Freedom of Information Amendment (Requests and Reasons) Bill 2015. I have to say up-front that I will not be supporting the bill, because I believe this is yet another example of poorly thought-through policy by those opposite. It has a very catchy title that few if any in this place or in this country would not automatically nod and agree with, but unfortunately, when you read the detail, it does not achieve this. In fact, when I read the bill and started to consider the implications of it, I thought of the Seinfeld episode where George Costanza does the absolute opposite. In this case, it is doing exactly the opposite of the stated intent of this, and I would like to spend the rest of this time going through exactly why this does absolutely the opposite of what the catchy Labor title implies that it might do.

This is clearly another example of the Labor Party coming up with, as I said, a nice, catchy, populist title and ideas that sound great in principle but generally fall far short of the laudable titles and implications behind them. There are generally two categories in my assessment of these catchily titled bills and ideas that come from the Labor Party. First are those that have the facade and, when you open the door or knock it down, have nothing behind it; it is simply a catchy title or a populist idea or thought bubble. Second, there is a far more severe category of great thought bubbles and catchy titles from the Labor Party: those which not only waste billions of the taxpayer's hard-earned tax dollars but, in the case of programs like pink batts, can actually cost lives. As Senator Macdonald has just very eloquently said, the Labor Party talk about accountability and transparency, but clearly, as the front pages of The Sydney Morning Herald and The Age show this morning, they talk the talk but they are not walking the walk, and they clearly do not practise what they are preaching.

Let us have a look at another example. When I was reading the bill this morning, really thinking about other examples that this clearly highlights, my mind turned to the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. I think all of those in this place will remember that bill that Senator Lambie put forward and that those opposite supported and voted for. Again, let's have a look at another nice, catchy title: Defence Amendment (Fair Pay for Members of the ADF) Bill 2014. Nobody in this place, and almost nobody in this country, would say that that is not a laudable and fair proposition: to provide fair pay for our defence personnel. But, as we unpicked it, we actually found out that the detail of the bill would have very unfairly disadvantaged all of our brave men and women in uniform because, far from the catchy title, what it actually would have done was to result in a significant cut not only in defence pay but also in allowances and entitlements. But yet again, those opposite supported a bill with a catchy title but, as George Costanza said, did exactly the opposite.

I am not sure what worries me more in the case of that bill and others like it and this one here today: firstly, did the ALP just read the title of the bill and say, 'Oh, that's a nice, catchy thing; I'm going to vote for it.'? Or secondly, did they read the bill and not understand the implications of the bill, that in fact it would do the opposite of what the title suggests? Or, thirdly—and probably the most worrying of all—did the Labor Party not only read the catchy
title but read and understood the implications of that bill? As I said, there are three possible alternatives in that defence fair pay bill and I think it is exactly the same thing here today.

I would now like to go through why this is absolutely the opposite of what the title suggests. Let's have a look at the stated aims of the bill. First of all, the stated aim is:

… ensuring transparency and accountability are included within the framework of government decisions concerning freedom of information requests; …

That sounds pretty reasonable to us all. Secondly:

… allowing the public to view requests that have been made and the reasons why documents were or were not released; …

Again, that sounds pretty reasonable to me. Thirdly:

… allowing applicants seeking similar documents to build upon previous requests; and

reducing the duplication of requests.

Again, when you look at those three they sound pretty reasonable. But then you go on to read the detail of the bill and the bill actually achieves quite the opposite. Let me now go through and explain exactly why.

In practice, I believe this bill will compromise the effectiveness of the decision-making process under the FOI, not make it simpler or more transparent. It will not ensure accountability or transparency, the two stated aims of this bill. It will not reduce duplication of requests and it will not reduce the number of requests. But what it will do is impose further unnecessary steps and procedures into existing processes for access to government information under the FOI Act. It will also increase the costs and complexities of FOI processing and result in significant processing delays, thereby actually doing the opposite and making it longer, more complex and harder for people to get access to the FOI request and information.

That is slightly inconvenient for those opposite, but I will go through exactly how that occurs now. Currently, under section 11C of the FOI Act, government agencies and ministerial offices are required to maintain an online disclosure log. The disclosure log must either publish information made available in response to an FOI request or provide details on how the public may obtain that information. But the bill before us proposes a raft of amendments to section 11C, including removing the option of providing details of how the public may obtain the information and requiring the publication of the exact wording of the FOI request. It also requires publication of the statement of reasons concerning the decision to allow or refuse the release of the requested documents.

The logic behind these amendments is to provide the public with easy access to documents released under the FOI Act. Again, it sounds good but if you look at the detail then that is actually not what will result. These amendments remove the current flexibility in the system. The current legislation ensures there is no impediment for those who are interested in accessing that particular information, while at the same time not imposing an onerous administrative burden on the agency. But as we know, not all FOI requests are straightforward. It may not always be possible for an agency or minister to publish some documents in accessible formats on a disclosure log or convert the documents to an accessible format within 10 working days.
It will be government agencies who have to try to manage the fallout of the increased workload in processing FOI applications. It was Labor who introduced the current log requirements, together with an information publication scheme as part of their package of FOI reforms in 2010. At the time, Labor stated that these reforms were intended to reduce the number of FOI requests over time. However, again, the opposite occurred. As reported in the Hawke FOI review, implementation of the information publication scheme and disclosure log requirements have in many cases increased FOI-processing costs, with resources being diverted from other key areas to assist with FOI processing. As well as increasing the cost of FOI processing—again, the opposite of what Labor said the intent was—these Labor initiatives have not resulted in any reduction in the number of FOI requests received by agencies and ministers. Again, this is the opposite of what they wanted to achieve in 2010. In fact, since the Labor FOI reforms commenced in 2010, the number of FOI requests has increased from 23,605 in 2010 to 28,643 this year, a significant increase when their policy was designed to do the opposite just as today their policy is designed with a catchy title and to do one thing but again will result in the opposite and actually make it even worse.

This bill also requires agencies and ministers to publish the exact wording of FOI requests as well as provide a statement of reasons outlining the decision to either allow or refuse the release of requested documents. I have to ask: what is the purpose of asking busy government officials and offices to provide a statement outlining why the information was granted in full? This new provision on its own will impose a substantial additional administrative burden on agencies and ministerial officers and, given past experience with your last reforms, will result in even more processing delays in other aspects of FOI processing. Again, far from streamlining the process, their last reforms made it slower, made it harder and increased the number of FOI requests, and I would argue this new bill will do exactly the same—make it worse, not better.

Publishing the reasons for decisions will absolutely result in already overburdened agencies dealing with nearly 29,000 FOI requests a year, already struggling to manage the increased heavy workloads courtesy of those opposite, taking shortcuts and publishing reasons rather than making a decision based on the circumstances of the particular FOI request. Rather than taking the time required to fairly consider individual FOI applications, it will absolutely increase the temptation to template and rush these through to try to get through the burden. I think that would clearly make the quality of what comes out of these FOI requests less transparent, less considered and less in the public interest.

Senator Ludwig also states this measure will facilitate more practical use of freedom of information requests and will reduce duplication of requests. Senator Ludwig could not be more wrong in this respect. You only have to go back to the experience of the changes brought in by those opposite in 2010 and have a look at the evidence of what happened. There was a catchy title, but it was not delivered. In fact, the opposite has been delivered. Fast forward five years and there is another catchy Labor title and one that will clearly make things worse, not better—less transparent and less accountable. Conversely, the Abbott government is committed to a transparent, accountable and open government and we cannot support these amendments, because this will do the opposite.

The FOI Act is undoubtedly an important accountability measure that facilitates the open and transparent transactions and operations of a government, and this bill will increase the
burden on government departments without any positive effect on FOI procedures. It certainly will not achieve the detail of the bill.

That brings me back to that Seinfeld episode and George Costanza thinking one thing—in this case a nice, catchy title that everyone would nod at and say: 'Yeah, that's really good and that's really important. Let's support it.' When you open up the detail and start to have a look at what is actually in the bill, it is absolutely the opposite of the title. As it was in 2010 as evidence of time has shown, this is just another rerun not only on FOI but across many other policy areas. Those opposite trot out wonderful populist ideas but rarely put the intellectual rigour and planning in place to implement sound public policy.

As for the Defence Amendment (Fair Pay for Members of the ADF) Bill 2014, which said that it was supposed to be fair pay, which everybody would assume to be increased pay, the detail was quite the opposite. Had it been passed by the lower house, it would have resulted in significant pay cuts from the new pay deal not only in Defence pay but also in all of their conditions and entitlements.

With this bill today, I see three options. One is that those opposite really do not care enough to read beyond a catchy title. They say, 'Yes, we're supporting fair defence pay,' or, 'Yes, we're supporting increased FOI entitlements. Look, we've got a nice catchy title here. We're supporting it.' Either it is just a catchy title and nothing else beyond, or they have actually read the detail of these bills and do not understand the implications, which is almost as concerning in this place, or they like the populist, catchy titles and the complete opposite impact inside, and they simply do not care about the implications. Whether it is pink batts or an NBN that was developed on the back of a coaster and has cost taxpayers millions, ultimately we have three options, and none of them, I think, reflects well on the state of public policy and debate in this place. If a bill that has a catchy title but does the complete opposite of what the title suggests is the best that those opposite can come up with for the people of Australia, either they have not read it, they do not care or they do not understand what is in it. I think that does not reflect well for this place.

It is for those reasons that I and those on this side will not be supporting this bill. While we, like those opposite, like a good, catchy title and believe in the importance of the FOI Act, this will make the situation worse and not better, with less accountability and less transparency for Australians. So I will not be supporting this bill.

Senator BULLOCK (Western Australia) (10:16): Many of the issues that come before this place attract great public interest and comment. Newspaper articles are published by the dozen, hours of radio are filled, and senators and our colleagues in the other place are deluged with phone calls, emails and letters from constituents. Freedom of information legislation is not typically one of those issues. The manner in which freedom of information applications are submitted, processed, responded to and dealt with by governments is not a subject that normally gets the blood racing. It is just not front-page news. It can seem legalistic, arcane, complicated and dull. I doubt very much that any of the speeches on the Freedom of Information Amendment (Requests and Reasons) Bill 2015 will go on to form the stuff of parliamentary anecdotes in the years to come, even though, sadly, Senator Reynolds believes that it has a catchy title.

All of this is unfortunate, because freedom of information and transparency in government are vital to a thriving democracy. Whether they realise it or not, preventing the government of
the day from acting in secrecy is one of the bulwarks that people have against creeping totalitarianism, corruption and inefficient administration. It was that creeping totalitarianism to which Senator McGrath referred in his adjournment speech on Monday night, celebrating the 800th anniversary of the Magna Carta. In doing so he drew a long bow—a weapon which would provide the English with a decisive military advantage in the centuries to follow—and suggested that it was some imagined future Labor government which threatened the freedoms of generations of Australians to come. His wild imaginings fell well wide of the mark. The threat to our future lies not with a government dedicated to serving the interests of working people but with a government which loves secrecy, disdains transparency and treats with contempt not only the legitimate questioning of Her Majesty's opposition but also the requests of the people for details as to the working and reasoning of their government. This threat lies not in the future; this threat exists here and now under this government. Unless they accept the sensible amendments proposed by Senator Ludwig, it is they, not Labor, who threaten to be the King Johns of tomorrow.

Without freedom of information, the people cannot make a true decision at the ballot box, nor can they be accurately said to be genuine participants in the democracy. Incompetent or malicious governments the world over benefit from secrecy. Conversely, to borrow a cliche, sunlight is the best disinfectant for such things. This bill seeks to increase the sunlight and improve the government, whichever party is in power.

Before I turn to the specifics of the bill, I might speak in praise of Senator Ludwig's absolute commitment to transparency in government. His office has organised what must be hundreds of 'freedom of information' requests of the government, as well as assisting countless other offices to do the same. There would hardly be an area of administration untouched by his efforts. In seeking out the facts in his tireless way, he has done the parliament and his country a great service and I for one am thankful for it.

In doing so, Senator Ludwig is acting consistent with a Labor tradition stretching back over 40 years. It is Labor which has always championed openness in government. From the freedom of information legislation first brought forward under Gough Whitlam to the more recent and thoughtful contributions of Senator Faulkner, it is Labor which has always striven to take the Australian people into its confidence and expose to them, openly, how the government works on their behalf providing thereby a contrast between the transparency of Labor and the secrecy of the coalition.

In furtherance of government transparency Senator Ludwig has proposed this bill, amending the Freedom of Information Act in a number of small but significant ways. The bill ensures that information will be made directly available to the public from an agency's or minister's website, rather than mere directions to where it is available. It requires successful applications to be accompanied by the relevant minister or agency publishing the application and the reasons for its success. It requires edited documents to be accompanied by a written explanation for the edits. It requires unsuccessful applications to be followed by the publication of any findings of material fact involved in that decision. And it requires the provision of all of this to the public, free of charge. It seeks to limit the unjustified editing which can be used as a shield by governments to deny members of the public access to the information which they might genuinely and legitimately seek. The transparency which the bill introduces will improve efficiency by reducing the likelihood of repeated requests for the
same information. And, while the bill promotes openness, it does not compromise the privacy of individuals but rather provides additional protections for those seeking to access their personal information.

As I said at the outset, much of this may seem at first glance to be arcane. But the fact remains that transparency is crucial. We have seen the current government, very recently, fail to answer straight questions and instead hide behind phrases like 'operational matters'. We have seen antics like those of the agriculture minister—the ham-fisted attempts of his office to change the details of one of his answers in the House of Representatives. The protracted attempts to avoid transparency in the handling of subsequent FOI requests led to a breakdown in the relationship between the minister and his head of department and to the controversial dismissal of the department head—a talented and respected public servant. We have seen this Liberal government attempt to abolish the Office of the Australian Information Commissioner, which oversees freedom of information and privacy law—and, when they failed in their bid to abolish that office through the parliament, they simply defunded it. Even in the emerging pattern of secretive and opaque behaviour that is coming to characterise this government, the attack on the Information Commissioner stands out as an alarming development and one that deserves greater attention.

On 20 May The Canberra Times reported:

… three former Supreme Court judges questioned the constitutionality of the decision, saying the government had bypassed Parliament and "achieved the same result by the power of the purse".

Those three former Victorian Supreme Court justices—Tim Smith, David Harper and Stephen Charles—wrote in The Age newspaper on 26 May:

… the new Abbott government began a return journey to a dismal past. In the eyes of the government, FOI had advanced too far. It therefore set out to abolish the office's FOI roles and, effectively, to return to the old, deeply flawed FOI system …

The government's intentions became clear in May last year. The 2014-15 budget provided funding for the office only until December 31, 2014. Consistently with this, the government also introduced a bill to abolish the office and, with it, the enlightened Faulkner FOI regime. The bill was passed by the House of Representatives in late October 2014. It was introduced into the Senate … There it has languished, apparently abandoned by a government content to ignore its fundamental responsibility to execute the law.

I am quoting from these judges here:

Having failed to pass the legislative amendments that would have effected its purpose, the government has achieved the same result by the power of the purse. It has ignored the law, but won a tactical victory. Expedience has again trumped principle.

The result is deeply disturbing. Greater secrecy has been reintroduced. Government is now less transparent and accountable. More particularly, its fiduciary duty to us as our public trustee has been breached. That duty is to place the public interest first.

This is all a quotation from the article by the three former justices, who conclude by asking:

Where now is the election commitment to increased transparency and accountability?

Where, indeed? One is forced to wonder what sort of government would go to such lengths to avoid scrutiny of itself. One does not have to wonder what the results of a lack of scrutiny would be: worse government for the people of Australia and less they can do about it.
Just this morning, further evidence came into my hands of the opacity of this government in dealing with an important issue in my state of Western Australia. In that regard, my House of Representatives colleague, Alannah MacTiernan released a statement that I would like to share:

The Abbott and Barnett Governments are pulling out all the stops in a bid to block the truth coming out about the flawed $1.6 billion Perth Freight Link project.

This week the Commonwealth Department of Infrastructure and Regional Development refused to release any documents not already in the public domain relating to the Perth Freight Link.

Traffic counts, traffic projections and cost estimates underpinning the project were considered too sensitive to release — it was claimed releasing them would damage Commonwealth-State relations.

The Department and Main Roads WA also argued—

Listen to this—

that if a document is not in the public domain, it is "inherently confidential" and can be exempted from the FOI process.

Alannah MacTiernan says:

I have been attempting to get hold of these documents for almost a year.

The Department has also demanded more than $2500 in charges for the search, claiming the documents were wanted for personal interest, not the public interest. That absurd decision is being challenged in the Administrative Appeals Tribunal.

It was ludicrous for the Department to claim it was not in the public interest to release documents relating to a highly contentious and vastly expensive infrastructure project.

How can having the traffic counts and traffic projections on this colossal project undermine the relationship between the Commonwealth and WA?

The truth is that this project was ill-conceived and ill-researched, and the Abbott and Barnett Governments will do whatever it takes to stop the truth from coming out.

That is the approach of this government to freedom of information, to maintain that if information is not out there already then, clearly, it must be inherently confidential and it is nobody else's business! That is not freedom of information; that is governing by secrecy. Politicians cannot be allowed to weaken the system that ensures their behaviour is accountable to voters. If they are, we will have appointed the poachers to be gamekeepers.

So 'freedom of information' law is anything but trivial. Ensuring that governments cannot operate in secrecy is vital. Rather than dismantling those procedures and institutions that protect democracy, this parliament should be strengthening and protecting them. And this bill does exactly that.

I hope that senators opposite, good men and women, reverse the trend of this government to close down transparency and instead support this bill. It might not repair all the damage that has been done in recent times to freedom of information, but it is a start. It is important and they should vote for it, even though it is not front page news. It is the right thing to do.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (10:28): I listened very intently to the contribution by Senator Bullock. I hope this is not a career-limiting thing, but he is one of my favourite senators on the other side of the chamber! I do not think it is principally because I think he is a very fine stature of a man—quite attractive, with that mop of grey hair and a chin or two more than either of us would like! It is more the case that you
are a true warrior for the Labor Party. That is reflected when you have to come into this place of course and argue the case for something that you could not possibly believe in.

This bill is about process and it is very interesting to see our colleagues from the other side make a contribution to the question of transparency. In the week that we had the second edition of 'The Killing Fields'—I think that is the term used. I was too—

Senator Bilyk: You obviously didn't watch it!

Senator O'SULLIVAN: excited about the show itself to commit the title to memory. Additionally, there must have been discussions this morning about not proceeding with this bill as a result of that contribution to the public this week. Fortunately, without freedom of information, we did finally get a bit of transparency and it was good to see that many of your colleagues gave valuable time to provide the support footage in the exercise.

It is also interesting that the architect presented—and I know Senator Ludwig is currently sitting up in his office watching my contribution, because I am told that he does that frequently. But to have Senator Ludwig take a point in relation to matters that are underpinned by assertions that this government is anything but transparent is a remarkable choice. I will be watching as this contribution goes through to the end and Senator Ludwig finally puts his foot on the sticky paper as to what the actual motive for this is.

Firstly, I am a very proud member of a coalition government that is not just transparent but the need for people to seek information from this government is less than any government before it. We go and we tell the people exactly what we are going to do and then we stick by our promises to the absolute letter. So the need for people to access information from the Abbott government through the medium of freedom of information is much less than is required by others.

I digress: let me come back to the choice of Senator Ludwig as the architect, author and presenter of this bill on behalf of the Labor Party and their coalition partners, the Greens. I would love to have a discussion and a debate with Senator Ludwig about transparency after his contribution to the Queensland inquiry. Let's roll that down from the start: the Queensland inquiry was presented to the members of this place for support so that we could be very probative on issues to do, in this case, with the Queensland government.

Let's talk about transparency. The first thing that Senator Ludwig did in those circumstances was to ensure that this thrust for transparency and to gather information so as we could make a determination about the behaviour of the Queensland government did not extend and in fact was time barred for the administrations of the Labor Party in my home state of Queensland. Imagine that: the first test of transparency was confined only to someone else other than the Australian Labor Party. This is the author of your bill; this is the champion of transparency and adjustments to the freedom of information bill to ensure that people can access information.

Using his votes and the votes of your Senator Ketter on that inquiry, they absolutely stifled the ability of coalition senators who were on the inquiry to bring particular witnesses before the inquiry. For example, Senator Bullock, I am happy, if you are have got five minutes afterwards—I have got a couple of teabags there—for you to come round. We will throw a bit of hot water on them, and I will go through this for you point by point.
The fact of the matter is we wanted particular witnesses before that inquiry, so let's talk about transparency. For example, we wanted Mr Palmer, who was at the heart of applications; yet, Senator Ludwig supported in that case the chair of the committee—then a member of PUP—by using their numbers to block the ability for us to examine particular witnesses, including Mr Palmer. This is a transparency discussion, and I was so excited to see this on the 'Red' today, because it gives me an opportunity to give voice to some of these issues.

Recently we have seen colleagues on the other side use whatever measure they possibly can with the scheduling of committee inquiries and committee meetings in this place to ensure that no members of the coalition are available—measures such as short notice. In the last 48 hours one of the committees that I am involved in has set dates for hearings tomorrow, with the full knowledge that some of the witnesses are not available and most of the coalition senators who have some corporate knowledge of the issue are also not available.

Senator Bilyk interjecting—

Senator O'SULLIVAN: I know that Senator Bilyk is particularly sensitive to this issue.

Senator Bilyk interjecting—

Senator O'SULLIVAN: Senator, you should just sit quietly while I give you your spoonful of olive oil.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Senator O'Sullivan, please address your comments through the chair.

Senator O'SULLIVAN: My apologies, Mr Acting Deputy President. I should not be distracted by that, because it will diminish my contribution in the time I have. Let us go back to Senator Ludwig, the author and the architect of this. Let us go back all the way to 2011. You want to talk about transparency? You want to talk about process? Let us talk about the cessation of the live cattle trade. Let us talk about the fact that, as I understand it—I was not in this place at the time but I have taken a great interest in this particular subject—negotiations had taken place, discussions had occurred in this place and everyone left this place one evening in the belief that certain things would happen, and of course that is not what happened on the following day. The government used their numbers and they brought down a billion-dollar industry. You want to talk about transparency and process? There ought to have been a very significant due process involved there, with transparency, for the government to explain to the stakeholder constituents—in this case the entire northern beef industry—what they were going to do.

But of course the only way we get transparency with the Labor Party is to take an hour of our valuable time on Tuesday nights to have a look at 'The Killing Fields'. You want to talk about transparency? There it was. 'The Killing Fields' reminded me of when I used to be in mustering camps. You would start the day on a pony and by about mid-morning—and as someone who has a bit of weight I probably went through more ponies than most—their legs would go under them a bit and they would start to wobble, so you would just swing your leg off and throw the saddle onto another pony and away you would go, hoping that by mid-afternoon the first pony would be fresh enough to go into service again. That is what we saw from the Labor Party with their leadership in their last term: just change prime ministers when their legs get a bit weak under them and they might not be operating as efficiently as their colleagues might like. If you watch the process—and this is about process—and you watch
the transparency you will see that there was no transparency in that process. Some colleagues in the Labor Party were not even aware of what was happening. Today I would defy some of those colleagues to find out what did happen. They should run the test of putting an internal FOI request to the leaders of their party—some who still sit with us here and in the other place today—and see what sorts of answers they get, see how comprehensive or truthful they are.

I for one will not be lectured. I for one will not be pushed by the Australian Labor Party on matters of process that are annexed to matters of transparency. They have absolutely no credibility in this space. It is a pure political attempt to distract the good people of Australia to suggest by inference that my coalition government is anything but transparent. This is to plant the seed, to try to have people think that there are some inhibitions on the part of our government with the processing of freedom of information applications—mind you, operating under the current provisions that were laid down by the Australian Labor Party. It was only 10 minutes ago that they were in government.

Is this some late-minute thought on the part of Senator Ludwig? He has been here a long time. If he felt strongly about these issues, if there were truly flaws within the freedom of information process, why didn't the good Senator Ludwig address these matters in 2010? Whilst technologies have moved on slightly, all of the major technology abilities to underpin some of these changes that Senator Ludwig wants were present then. One has to ask the question as to what are the politics of this? The politics are very, very clear. Senator Bullock was right to point out that he does not get a lot of email traffic on this. As I turn my mind to that, I do not think I have had, in my 18 months in the Senate, one representation. Like many of you I get many, many thousands of emails each week on various subjects. I do not think I have had one inquiry or one representation on the issue of transparency with the Freedom of Information Act. They are Senator Bullock's words, not mine, but he is spot on, and there is a reason for that.

I have to disagree with Senator Bullock when he says that this is not an issue on the minds of Australians. I promise you, if you are out there and you have burdened a state or federal government with a request for information,—and some of us have had to deal with people in these circumstances over our time, not just here in this place, but in life generally—you will find that it absolutely consumes them. Senator Bullock's explanation, I think, falls short and lacks credibility because the true explanation is that the freedom of information systems that we have around this country are working, and they are working very efficiently.

In terms of the publication of information, if an individual has made an application or has received a response to an application, there is no caveat on that individual from publishing that. If they think it is in the public interest or in stakeholder interest, they can publish that information themselves. So, you come back to the sheer intent of the process. Senator Ludwig knows that the government would not support this because it does not need to support it. Why would you go to the trouble of drafting a bill, why would you go to the trouble of taking up the very, very valuable time of this chamber to debate the bill when you know, full well, there is no need for the bill, and it is very unlikely that the government will respond positively to the bill? The answer is that this is, once again, a purely political stunt on the part of the Australian Labor Party to try to create an image or a perception that there is some flaw in the freedom of information legislation when there is not, and that there is some issue with
transparency with respect to this coalition government when there is not. This has been one of the most open and transparent governments that I have witnessed over my time of political interest of 30-plus year, and I know I participate in the government.

I think that, if I had to put my foot on the sticky paper as to their motive, it does not come as any surprise to me that it has happened on the week when we have had that wonderful ABC show, one of the best productions the ABC has put out for a long time. I know it has been burdensome on their side of politics because I noted that, with some of the contemporary footage, some of your senators have had to take valuable time out. I hope they did not travel on the public purse as they made their way to Melbourne to sit on bench seats so that they could get footage of these people on the telephone pretending it was some conversation that taken place a long time ago.

I have to say that the Australian Labor Party should not pursue this bill. It is not required. It is not on the minds of Australians, as Senator Bullock has pointed out. It is a political stunt. It is one that this government will not be trapped with. It is one that this government will not be supporting. I certainly do not support it because I have better ideas for the resources of this nation that do not include hundreds if not thousands of additional staff having to photocopy and upload documents that are available and are under the control of others to publish if they so choose. I thank you for the ability to make this contribution.

Senator GALLACHER (South Australia) (10:44): The contributions this morning have been fairly wide-ranging, and I do not want to traverse ground that has already been covered, but I want to put a specific scenario to the Senate in terms of why transparency and accountability are required and need to be enhanced. Before I go to the details of that, I want to put on the public record some comments made in the Senate by Senator the Hon. Mathias Cormann. He said:

I am sincerely shocked at how quickly this government have turned into a secretive government. I am shocked at the long and detailed presentation we have just had from the government, which essentially sums up one thing: they are running scared from openness, transparency and public accountability.

That is a very interesting comment that was made way back in 2009. On 13 May 2009 he said:

There will be always times when new people come to the Senate. They are going to face all these problems of trying to find out how to get the information and the documentation out of the government they need in order to properly scrutinise its activities. And clearly it was not in the political interests of the government but I think there is a serious question mark here as to whether there are proper and legitimate public interest grounds.

And in The West Australian Mathias Cormann said: ‘Proper scrutiny leads to more informed debate and, ultimately, to improved public policy.’

I will now quote from Hansard on 24 November 2011. He said:

On this occasion, the government does not want to tell us what it is up to. It wants to say to us, the parliament, to us, the Senate, representing people from across Australia: ‘Just trust us. … We know what we’re doing. Just give us a blank cheque.’ Well, that is not the way the Senate should operate, in particular on this occasion, because we have a terrible government. We have a terribly incompetent government. We have a government with a track record of failure, broken promises and incompetence.

These comments on the public record by Mathias Cormann really indicate his support for openness, transparency, probity, due diligence and proper process. But what do we have when
we look at the situation in the regional processing centre space? We know there are regional processing centres at Manus and Nauru. If you are diligent and you go to the budget papers, you will see that there is a global figure of expenditure there. But you will not find a breakdown of how much is spent at Nauru or at Manus Island. And when you dig down and try and find that information it is not immediately available; your request is taken on notice by the department and they respond obtusely. So you take a shortcut, you go to AusTender and search for 'Australian government expenditure on Nauru in the year 2013-14'. And what you get is '$2.9 billion worth of expenditure'. A contract of $2 billion-plus. You get advice that a prison is being built in Nauru. Nauru has a population of 10,000 people. The Australian government is building a prison in Nauru.

All of this comes back to the central lack of probity and transparency. Dare I say it, the finance minister, as the minister responsible under the Public Works Act, can grant an exemption from scrutiny by the Public Works Committee of expenditure of money in excess of $15 million. This is one of the oldest standing committees of this parliament. It was put in place to scrutinise probity, value for money, public interest and return on investment. That committee has done its work for 100 years. But what we do know is that since 2012 when these processing centres were put in place, the Labor Party, despite Senator Cormann's denigration in his previous contributions, actually followed the act. Due to the urgency of the work, they sought an exemption and, quite properly, that passed through the House of Representatives. That exemption said: 'We value the work of the Public Works Committee. We will provide a briefing on what we are doing and we will keep the committee fully informed of further works as they come about.' Two exemptions were tabled by the Labor Party in the lower house and, quite properly, the work proceeded in accordance with the act. But as we know from direct evidence and an examination of the records of the Public Works Committee, there have been no referrals since then for proper public scrutiny of items of expenditure over $15 million within the definition of the act.

But what we also know through the published AusTender process is that there has been a huge spend. What we do know from a question or two to the department is that they have quite recently taken legal advice that the work they have done may not have been applicable under the Public Works Act because it could be construed as foreign aid to a country. Here we have a country with a GDP of about $112 million, an existing foreign aid component of about $20-plus million, a spend on AusTender of about $2.977 billion and an environment where we are cutting our foreign aid budget, but no, no, we are going to donate a prison to Nauru as part of our foreign aid budget; we have legal advice to do this. If this is not a lack of transparency, accountability and presenting matters and expenditure for a proper scrutiny of either a standing committee of the parliament or the Senate during estimates, I do not know what is.

We do know that, if it is an on-water matter, it is national security and you will get no information about anything—and I think that has been well demonstrated in the parliament in the last couple of weeks. Nauru is an island; it is not an on-water matter. The minister responsible and his department should have put the expenditure to the finance department either for an exemption or for scrutiny. They should not have just whistled through and spent hundreds of millions of dollars of taxpayers' money because they were in a hurry or because
the department was in turmoil. This goes to the very heart of why there is a public works act and why there is public scrutiny.

I can tell you, Mr Acting Deputy President Whish-Wilson, it shocked me that a hearing was arguing about whether a marquee was a marquee or a tent. The only marquees I have ever been in were at the Melbourne Cup, and they were very grand. But I would not like to spend 402 days in a tent or a marquee—that is the average length of time a detainee in Nauru is spending in accommodation like that. They have been built with taxpayers' money with no scrutiny by the appropriate standing committee, and there is no immediately transparent way of getting this information.

We know from a website that over $40 million was spent on constructing a camp for 2,000 people. It was done in about three weeks. I had a little bit to do with construction when I was bit younger. If you are going to construct something for 2,000 people and it takes three weeks, it sounds like a tent city—or maybe it is a marquee city—or maybe they just got it from Toowoomba Party Hire, which is allegedly printed on one of the marquees in Nauru. Either way, if you are going to build a prison in another country and call it foreign aid, put up a camp for 2,000 people in three weeks and spend hundreds of millions of dollars of taxpayers' money, then it should be appropriately scrutinised. And it ain't an on-water matter. There is no security in this. If you are going to go and lease ground on Nauru at $8.50 a metre—what legal tenure you have to it after that, I know nothing—and spend hundreds of millions of dollars putting infrastructure and improvement in place, there should be parliamentary scrutiny.

If you actually take these figures and divide them by the number of people in detention there, it is astronomical. If you simply take the number of refugees that are there and divide it by the money that is spent, we are spending over $1 million per person and, allegedly, to keep them in abject—and the allegations are widespread, with people prepared to give them in camera and in public. The allegations are that money has probably not been well spent, because people are complaining about mould, mildew, lack of privacy. You have a 10-metre by 12-metre marquee with a two-metre division and six families in there. And we spend hundreds of millions of dollars doing this without any parliamentary scrutiny. There appears to be no parliamentary scrutiny. The latest advice we got was that people had taken quite recent legal advice to say that some of it could be construed as aid to a foreign country. This goes right to the heart of openness and transparency.

As senators, we all know that through the estimates process it is often quite difficult to get an answer. I have taken it as a learning curve. I have put questions on notice, and the questions have come back with the answer 'No' or 'Ask another department' or some other deflective answer. So I just take that on the chin. But when we are actually spending what, I think, is $580 million in this budget year and if we add that on to what has been spent previously without proper scrutiny and process, I think the finance minister has a bit of work to do to reconcile his previous public statements of transparency and accountability with his actions as the person responsible for making sure that government expenditure gets the proper scrutiny of the parliament. There is a very strong case here that that has not happened. It really does go right to the heart of this attempt by Senator Ludwig to shine a light in areas where we need more information so that we can get it quicker and that it can be more transparent.
I want to give you a short summation of Nauru. At 30 May 2015, there were 718 asylum seekers at Nauru Regional Processing Centre—480 adult males, 126 adult females and 103 minors. As at 30 April, the average length of time a transferee spent on Nauru was 402 days. The total operating costs of the NRPC from July 2014 to 31 January 2015 were $276.45 million. We know from AusTender, as I have said, that in 2013-2014 the contracts and published spending by the Australian government on Nauru was $2,977,204,122.39.

Without the ability to get the true and correct information as to what applies to where and what it was spent on, you could do a very rough analogy. As of 30 June, 2,026 people had been transferred to Nauru, according to the department’s annual report. If you compare the AusTender spend in that financial period to the number of transferees, that equates to a spend of about $1.47 million per transferee in Nauru. According to the department, in RPC2, Regional Processing Centre 2, where single adult males are held, they are provided with 10 by 12 vinyl marquees in three separate compounds. Each accommodation has been capped at 22 in a dormitory-style living arrangement. RPC3 provides accommodation in 10 by 12 vinyl marquees in six separate compounds. These are occupied by families and single adult families. Each accommodation marquee is separated by vinyl walls. Families with children under the age of four are placed in air-conditioned marquees. RPC1 is the accommodation for 850 staff in permanent, modular accommodation. The site provides for staff administration, catering facilities and a warehouse. Transferees use the RPC1 interview room, medical buildings, soccer field, educational facility and managed accommodation for high-risk transferees. We know from that short paragraph that there has obviously been a good spend on infrastructure.

If you do a cursory examination of Nauru you know that it is very short of water, so we have had to put in some reverse osmosis, or desal plants, or some water accommodation. We have had to put in place some infrastructure. We know that there was significant damage, up to $75 million in a riot, shall we say, on Nauru. We know all this because we read it in the paper. We should be able to, in this place, in this Senate, properly scrutinise expenditure. If we are spending on point something million dollars on a transferee or detainee, I am not sure they should be in tents or marquees—choose your option. The department prefers the word 'marquee', and other people prefer the word 'tent'. It makes no difference. Once you are in a marquee for a month, it is a tent. If you are in it for 402 days, it is a pretty miserable tent. If it has mould on the inside due to weather like a Darwin, Northern Territory climate, it would be a pretty horrific place to stay.

My question is: has this been an open and transparent process? I am finding that it has not. The Public Works Committee and the Public Works Act has not been adhered to by the person, the Hon. Mathias Cormann, who throws to our side of the chamber—and also threw to our side of the chamber when we were in government—the need for public accountability, public scrutiny, openness and transparency. He has not done it himself. He has not followed the basic principles of being a minister by following the acts that govern expenditure. He is the person responsible for all of the department spend. It is his department that can grant an exemption. He has not done it. He has not sought exemption for a really large expenditure of public money. He has not followed his own due process.
May I say, in the short time I have remaining, that I have never been to Nauru and I have no great inclination to go to Nauru. What I have seen in submissions and photographs and read in reports shows that the outcomes in terms of the Australian taxpayer spend are not high. In fact, they could be regarded as truly abysmal. We are spending, and continuing to spend according to Mr Pezzullo, another $580 million this year. In all of that—and I do not want to go to the issues of immigration, or stop the boats, or on-water—proper probity and scrutiny by the Senate and the standing committees of the parliament should always be in effect when we spend more than $15 million, if the items are construed under the definitions of the act. I call on the finance minister to follow his own rules and his own guidance to this Senate in previous statements. (Time expired)

Senator CAROL BROWN (Tasmania) (11:04): Firstly, I want to congratulate Senator Gallacher on so eloquently highlighting the secrecy of this government in bypassing proper scrutiny of the parliament in many areas of government and highlighting the government's lack of accountability and transparency. Why are we here today debating this private senator's bill, the Freedom of Information (Requests and Reasons) Bill 2015? When tabling his private senator's bill, Senator Joe Ludwig said in his media release that the reasons he felt this was needed was in terms of holding this government to account and ensuring that the secrecy that they seek to bring over the parliament and their decisions are properly scrutinised. Senator Ludwig said that the Abbott government have jeopardised the balance that Labor has put into the FOI Act and have skewed the FOI Act to favour secrecy, which has led to a lack of transparency in the government. That is why he has introduced this bill to allow, among other things, the public to know exactly why a freedom of information request has been rejected or edited by the department.

This bill is a reasonably straightforward piece of legislation but is one dealing with a critical issue, and that is government transparency. The bill before us seeks to amend the Freedom of Information Act to require government agencies and ministers to publish the exact wording of freedom of information requests. It will also require government agencies and ministers to publish a statement of reasons concerning their decision to allow, refuse or edit the release of requested documents.

The amendments outlined in this bill aim to embolden the balance and openness that Labor has strived to instil in Australia's freedom of information regime. These principles of balance and openness were core to the important reforms to freedom of information that Labor implemented when in government. Labor strongly believes that freedom of information is an essential part of our democracy. Freedom of information is central to government accountability and transparency, because it gives members of the public and media access to information about what the government does and the decisions they make.

Since freedom of information laws were first introduced in Australia by the Whitlam government in the 1970s, Labor has worked to strengthen these laws to improve transparency in government. Labor has long worked to champion the public's right to know. In the last term of government Labor continued this work, making important changes to move to a pro-disclosure model of governance, striking an important balance between the need for confidentiality and the legitimate right of the public to know. Labor's reforms were wide-ranging, impacting on all elements of the freedom of information regime, including access procedures, freedom of information charges, exemption criteria, freedom of information
objectives, the procedure for a review of disputed decisions, and publication of information by agencies and freedom of information reporting by agencies.

These reforms made significant strides to enhance the public's statutory rights to documents and information and encourage a culture of political accountability and openness. Striking this balance is important for transparent government, and in coming to government Labor committed to restoring this balance in order to restore trust and integrity within government. However, since winning the election the Abbott government has worked to undermine and jeopardise the balance Labor established in the freedom of information regime. This government is addicted to secrecy—secrecy at the expense of the transparency and integrity that is vital to the operation of our democracy.

That is why my Labor colleague Senator Ludwig has introduced this bill—to move to restore the balance between the need for some confidentiality in governance and the legitimate right of the public to know about the operation of government. Currently, in spite of Labor's significant reforms, freedom of information requests can still be refused, or documents may be edited with minimal justification. This leads to abuses of the system as reasonable requests for information are denied. This bill seeks to address this threat to government transparency. The amendments in his bill seek to support and advance the principles at the very heart of Australia's freedom of information legislation by facilitating more practical use of freedom of information requests and enhancing the principles of accountability and efficiency. This will be achieved by inserting a new section into the act that would require government agencies and ministers to publish the exact wording of each freedom of information request and a statement of reasons for the decisions. This will allow members of the public to see exactly what information has been requested and the reasons it has or has not been provided. This will also assist people seeking similar information and reduce duplication. Making this type of information available also opens up the freedom of information process and decisions to greater scrutiny.

The bill includes important protections of the privacy of applicants, as certain identifying information would be removed for publication. Examples of information that may be removed are personal information and information about the business, commercial, financial or professional affairs of a person. Further, the bill requires information to be removed if the information commissioner determines that it would be unreasonable to publish that information.

Importantly, this bill also provides that where a document is released under freedom of information it must be made readily and easily available to members of the public. This will be achieved by removing the option that an agency or minister may merely publish details on their website of how the information may be obtained. Rather, the bill ensures that the information is available directly from an agency's or minister's website or through a link on the website to another location where the information can be downloaded. These amendments build on Labor legacy of transparent and accountable governance. They enhance the efficiency and effectiveness of our freedom of information scheme and, importantly, will start to pierce the veil of secrecy this government seeks to cloak itself in. It is necessary to take these steps to meet current and future challenges to freedom of information legislation.

We know that those opposite have no interest in supporting and enhancing our freedom of information scheme to address these challenges. In fact, only last year we saw those opposite
attack fundamental elements of our freedom of information regime. As part of the 2014-15 budget the Abbott government announced the 'Smaller Government—Privacy and Freedom of Information functions—new arrangements' measure. This measure was nothing more than an attack on freedom of information in Australia, by a government desperate to hide what it is doing. The Abbott government sought to repeal a number of measures that had been introduced by the previous, Labor, government to improve transparency across government by strengthening the freedom of information regime.

Most significantly, those opposite sought to abolish the Office of the Australian Information Commissioner and the positions of Australian Information Commissioner and Freedom of Information Commissioner. Labor had established the Office of the Australian Information Commissioner to provide independent oversight of the freedom of information regime and to champion freedom of information across government. This body was integral not only to managing access to information but also to changing culture in the public services towards a pro-disclosure ethos. However, in seeking to abolish this body those opposite proposed to give oversight of freedom of information to the government's own minister—in this case, Senator Brandis. They also proposed that external merits review of freedom of information decisions would have to be made to the Administrative Appeals Tribunal. This had nothing to do with simplification or streamlining, as those opposite claimed, but rather it was about stifling the accessibility of the freedom of information regime. This change would have removed applicants' ability to request that the independent Information Commissioner review a refusal by the government to provide documents under freedom of information. The Abbott government wanted to force anyone wanting an independent review of a government decision to go to the Administrative Appeals Tribunal, where the filing fee alone is over $800.

When those opposite failed to pass legislation to abolish the Office of the Australian Information Commissioner and the positions of Australian Information Commissioner and Freedom of Information Commissioner, they attempted to starve the organisation of funds. At Senate estimates at the end of last year, it was revealed that, due to lack of funding, both the Australian Information Commission and the Freedom of Information Commission had been forced to work from home. At budget estimates last month, the Information Commissioner confirmed that these arrangements continue. While the budget restored funding to the Office of the Australia Information Commission for a dozen staff, there are only about half what there were before the government launched its attack on the organisation.

But what else can we expect from a government intent on returning Australia to an outdated and flawed system of freedom of information? This is a government that will do whatever it can to avoid scrutiny by the public that elected it. As Senator Gallacher stated in his contribution, it will do whatever it can to avoid the scrutiny of the parliament.

In contrast, Labor are committed to the principles of FOI, whether we are in government or in opposition. That is why we support the amendments in this bill, amendments which seek to provide greater accountability and integrity in our system of democracy. I congratulate Senator Ludwig on introducing this private member's bill. I commend the bill to the Senate.
up for the people of Queensland, there has been plenty of participation by senators on this side of the chamber from a range of states who understand that, across this nation, we have a community craving some transparency and some accountability around the outrageous performances of this government in many, many areas. A fundamental part of good governance is being offered to the Senate through this bill today. Given that it does deal with transparency and given that it does advance the strength of Labor's belief in the need for access to information as a critical dimension of good governance, it is not surprising that those opposite, sadly, have stood up to oppose it.

This is a bill to make government more transparent. Freedom of information requests are a vital part of enabling people to find out what is going on with their government. It is a basic tenet of what makes our democracy strong. Shining a light on decisions should not hurt government; it should make it strive to be better. I want to repeat that: shining a light on decisions—and that is what freedom of information requests do: allow the scrutiny of decision making by the government to be open and available to members of the public and interested peak bodies that represent members of the public—should not hurt a government. It should constantly be part of the mindfulness of government that, 'Somebody could be looking at what I'm doing.' This whole concept of oversight is a critical part of a healthy democracy.

Amongst other things, this bill will require government agencies and ministers to publish the exact wording of each FOI request that is made. That matters because it will make it a lot clearer to those who are seeking information—and these things can happen quite simultaneously on different sides of the country. Australians might find that they have a particular interest in accessing information about health, around which there has been considerable obfuscation by this government so far. Two independent inquiries, if this bill is passed, will now be able to see the reasons for other FOI decisions. That has to be an improvement in this digital age, when access to information is timely and more possible. If there is any opposition from those opposite, you would have to question why they would want to do that except to make it more difficult for people to scrutinise them. In addition to the exact wording of each FOI request, ministers will be required to provide a statement of reasons from the decision maker as to why an FOI inquiry was rejected or redacted or only partially fulfilled, so that others can see the trail of information seeking that has gone on before they come to the task themselves.

I cannot see the Australian community having an issue with the process of creating a more open and transparent democracy for Australia. There cannot be community opposition to this, but certainly there is opposition from the government. That is because they are different. They are different from most of the Australian people, who believe in fairness, access to information and honesty. They are different from the Labor Party, who definitely believe in these things—and our action legislatively is proof of that. Labor are absolutely committed to the principles of freedom of information whether we are in government or in opposition. In fact, the freedom of information legislation was first proposed to the parliament in 1974—and that happened, not surprisingly, during the Labor government under the leadership of Prime Minister Whitlam. It was a transformative change to say that this is the people's house. This is a parliament that is open. It was a practical governmental action to allow transparency.
In 1983 in the foreword to the first annual report on the FOI Act, the then Labor Attorney-General, Gareth Evans, described the basic purposes of what FOI legislation should do. At that time he said it was there and vital:

- to improve the quality of decision-making by government agencies in both policy and administration matters by removing unnecessary secrecy surrounding the decision-making process.

He said it was there:

- to enable groups and individuals to be kept informed of the functioning of the decision-making process as it affects them and to know the kinds of criteria that will be applied by government agencies in making those decisions.

He said that FOI is there:

- to develop further the quality of political democracy by giving the opportunity to all Australians to participate fully in political process.

And he said that freedom of information legislation was vital:

- to enable individuals, except in very limited and exceptional circumstances, to have access to information about them held on government files, so that they may know the basis on which decisions that can fundamentally affect their lives are made and may have the opportunity of correcting information that is untrue or misleading.

These are principles that most Australians that I speak to absolutely believe in and would uphold. That is why such simple tenets of a basic democratic capacity to participate in your own government and find out what your government knows about you should not be opposed by those opposite. They are either for freedom and democracy or they are against it. And, sadly, we have been seeing too much of this negativity from the government and a shutting down of information through to the citizens of this country.

The Liberal Party, of course, have problems with this because they have shown day after day that they are the party of obfuscation, the party of opacity and the party that thrives by keeping people in the dark and away from the truth as much as possible. Without their smokescreen, they have very, very little cover. The secrecy that shrouds this government is absolutely appalling, and their resistance to this bill is just another way in which they can resist any transparency. For example, there is the secrecy around the $80 billion cuts to health and education and their determination to apply a methodology of distracting the Australian people from what they are actually doing. They are masters at the distractor factor, turning people's eyes, saying: 'Oh, have a look over this. Don't pay attention to that.' But with $80 billion dollars out of health and education in last year's budget and locked in in this year's budget—ultimately you cannot hide and run from things that are that big. But they will try.

This bill we have before us today could simply be described as a procedural bill. I do not think Senator Ludwig would mind me saying that there is very little that is sexy about this bill, and there may not be many people who want to pay attention to the debate of something that seems so dry. But at its heart is a fundamental belief in the right of every Australian to access information about the decision making of their government and the impact of that decision making and record keeping around their own lives as citizens of the nation.

This bill is just good government, but that is exactly why those opposite are so opposed to it—after 650 days of being in government, and not one of them good government. Making engagement easier, making inclusion easier, is not something this government has been
interested in. Despite attempts from the minister to assist, sometimes members of the Australian public just cannot walk around Canberra for the leak of the information that they want. Sometimes they have to actually enter the bureaucratic maze of freedom of information requests with no guarantee that their request will result in an answer and, if it does not succeed, they have no way of finding out why. This bill seeks to amend that anomaly.

Currently, requests under the Freedom of Information Act can be refused, or documents may be edited with minimal justification. This leads to abuses of the system by denying reasonable requests for information, and these are a threat to the government because they are a threat to transparency. The amendment before us today will strengthen the existing legislation to deliver on these original core promises which were enshrined within the act, and to which I gave voice earlier when I gave recognition of Gareth Evans’ articulation of the reason for this legislation.

The measures in this bill are designed to make government more transparent and fair to the community. The amendment will allow the public to see what requests have been made and why the documents were or were not released. Publishing the reason for decisions would allow for scrutiny of the departmental and ministerial decisions and open the door to further reform to allow review of requests by parties other than the initial applicants. Telling the community why something was not granted, redacted or withheld does not create terror. It does not create crime. It does not create instability. But a government that puts a black bag over information and answers does create a risk to our democracy. These changes will mean applicants seeking similar documents could build on each other’s requests, which would also reduce any duplication of requests and save on administrative time in responding to similar requests.

In 2007, Labor made an election commitment to reform the freedom of information legislation to promote pro-disclosure culture. Just 18 months and a change of government later, that culture has all but been destroyed by the Liberal-National Party government. Never before—not in the history of this Federation, I dare say—have we had a more obstinate and arrogant government. In question time after question time and press conference after press conference, the government refuses to answer questions. They turn every matter into a matter of national security, and of course they do not answer questions on national security, which makes it pretty hard to get any information out of this government. Even matters that relate directly to a severe conflict of interest in a minister's office somehow seem to become transformed into a personal staffing matter which they do not comment on, because they then start to describe it as 'an ongoing matter'. And, of course, if they use that technique of putting the word 'operation' in front of something, we know that that is a sacrosanct area where they will never, ever give a response.

The Australian people are awake to the nonsense of the language that this government continues to use. 'Operation Secrecy' is really what they are enacting here. 'Operation Hide-the-Facts'; 'Operation Do-Not-Account-To-The-Australian-People-For-What-You-Are-Doing'—that is the operation that is underway here. 'Operation Rip-Off-The-Health-System'; 'Operation Rip-$30 billion-Out-Of-Education'—they are the operations that are underway by this government. We only have to look to the matter regarding Senator Nash and the involvement of her chief-of-staff who was formerly a lobbyist for a major food company. He apparently lobbied to have the government healthy food rating website removed. This showed
a significant breach of ethics and trust. It is just one example among many of the breathtaking arrogance of this government. Its own messed up priorities rank higher than the health of Australians. That is the kind of attitude that we have seen on display. The minister failed to answer questions in this place. She failed to answer questions at the press conference and then used the strategy that works for a while but is really wearing out: the distractor technique—'Have a look over here. Don't notice what I'm doing.'

Australians believe in freedom. They believe in freedom of information, they believe in access to information and they will not be dunned by a government that refuses to give them what they deserve. The government can obfuscate and obviate through question time and through other media communications, but, in the end, documents and emails do not lie. That is why they are fighting so hard against this bill. That is why they do not want it to go through, because Australians will be able to get the evidence, get the facts and get to the sources of information much more efficiently and effectively and will be able to see what is going on. That is why this government does not support this legislation.

This amendment simply requires the government to provide a reason for the things that they do. National security or operational matters do not cut it for protecting a staffer for making a personal political decision and utilising the authority of a minister's office, and never should it. Only yesterday, we saw how far a minister will go to run from an issue of his own making. Senator Brandis, in this place at question time, when questioned about whether a government he is a senior minister of had given money directly to asylum seekers, ducked and weaved with the skill of a feather-weight boxer and blamed every other person but himself or his government for the problem. He is certainly match-fit for avoiding telling the truth, but when it comes to allowing scrutiny this government is absolutely in lockdown. When Senator Brandis ran out of people to blame, he said this was an operational matter and he closed up the box again. He said that it is a no-go zone; the Australian people cannot know. This culture cannot continue. The government cannot get away with hiding from the Australian people and keeping them scared and anxious about a future that is filled with fear, with the government's rhetoric every day.

We live in an information era and people deserve access to the information of government. Labor believes further reform is needed to meet the current and future challenges of freedom of information legislation. That is why this bill will, if it is passed, ensure transparency and accountability is included within the framework of government decisions concerning freedom of information requests. It will allow the public to view the requests that have been made and the reasons why documents were or were not released. It will allow applicants seeking similar documents to build upon previous requests and it will reduce the duplication of requests. These are not unreasonable things for the Australian people in this information age to be able to be confident of. Nonetheless, those opposite disagree. It is vital for the government's survival that Australians have less information about what the government are doing, and that is why they will lock it down and oppose this.

I commend Senator Ludwig for his ongoing commitment over very many years—most notably during his time as Special Minister of State—to open and transparent government. I also commend him on advancing this bill. I close by commending the bill to the Senate.

**Senator McGrath** (Queensland) (11:34): It gives me great pleasure to rise this morning to speak on the Freedom of Information Amendment (Requests and Reasons) Bill 2015. This
bill amends the Freedom of Information Act 1982 to require government agencies and ministers to publish the exact wording of freedom of information requests. The amendments will also require agencies and ministers to publish a statement of reasons concerning the decision to allow or refuse the release of requested documents. The bill has the stated aims of: ensuring transparency and accountability are included within the framework of government decisions concerning freedom of information requests; allowing the public to view requests that have been made and the reasons why documents were or were not released, allowing applicants seeking similar documents to build upon previous requests; and reducing duplication of requests. Furthermore, Senator Ludwig's bill states:

Publishing the reasons for decisions will allow for scrutiny of departmental decisions and open the door to further reform to allow review of requests by parties other than the initial applicant.

Section 11C of the Freedom of Information Act currently requires agencies and ministerial officers to maintain an online disclosure log. The disclosure log must either publish information made available in response to a freedom of information request or provide details of how the public may obtain that information. Senator Ludwig's bill proposes to amend these requirements by removing the option of providing details of how the public may obtain information, requiring the publication of the exact wording of the FOI request and requiring the publication of a statement of reasons concerning the decision to allow or refuse the release of the requested documents. The current disclosure log requirements, together with the information publications scheme, were part of the previous Labor government's package of freedom of information reforms, in 2010. These reforms were intended to reduce the number of freedom of information requests over time, with the Freedom of Information Act providing access to information through agency-driven publication rather than only response to requests for documents. However, as reported in the Hawke freedom of information review, implementation of the information publication scheme and disclosure log requirements have, in many cases, increased freedom of information processing costs, with resources being diverted from other key areas to assist with freedom of information processing.

As well as increasing the costs of freedom of information processing, these initiatives have not resulted in any reduced in the number of freedom of information requests received by agencies and ministers. In fact, since the freedom of information reforms commenced in 2010, the number of freedom of information requests has increased from 23,605 in the year 2010-11 to 28,643 in the year 2013-14.

As mentioned by previous speakers on this side of the chamber, the government does not support this bill. I will go through the various reasons why we will not be supporting the bill. There is going to be a new definition of 'working day'. Item 1 of Senator Ludwig's bill inserts a new definition of 'working day', in the interpretation section of the act, as follows:

working day, in relation to a requirement in a provision of this Act to publish information, means a day that is not:
(a) a Saturday; or
(b) a Sunday; or
(c) a public holiday in the place where the function of publishing the information under the provision is to be performed.
As the term 'working day' is used only in section 11C, it is difficult to see how this will eliminate confusion concerning timeframes for publishing information, as is the suggested intent of the amendment.

Items 2 and 3 of Senator Ludwig’s bill, in relation to publication of information and access to documents, will remove the option for an agency or a minister to publish details of how information may be obtained, rather than the information itself. Currently, subsection 11C(3) provides that the information disclosed in the request must be published on the agency or ministerial website by making the information available for downloading from the website, under 11C(3)(a), or by publishing on the website a link to another website from which the information can be downloaded, under 11C(3)(b), or by publishing on the website other details of how the information may be obtained, under 11C(3)(c). Items 2 and 3 of Senator Ludwig’s bill amend subsection 11C(3) to remove the option of simply publishing on the website details of how the information may be obtained, rather than the information itself. Senator Ludwig states that this amendment is ‘… designed to provide the public with easy access to documents released under the FOI Act.’

The current requirement is for information that is released to be published for the public generally on a website. Some agencies publish the documents released on their websites and the FOI requests. What this will do is remove the flexibility, where the information cannot be readily published on a website, of providing details of how the information can be accessed. The current flexibility ensures that there is no impediment for those who are interested in accessing the particular information, while at the same time not imposing an onerous administrative burden on the agency. It may not be straightforward for an agency or a minister to publish some documents on a disclosure law in an accessible format or to convert documents to such formats within 10 working days. This may be an issue, for example, if information has been redacted from a document, where a large document is only available as a hard copy, or in a PDF format. Removing flexibility will impose an administrative burden on agencies and ministerial offices in preparing documents for publication within 10 working days of the information being released. This could create challenges for agencies and ministers in managing an increased freedom of information workload and it could impact on the processing of freedom of information applications.

Item 5 of Senator Ludwig’s bill, in relation to publication of requests and reasons, amends the Freedom of Information Act to insert a new provision—a new section 11D. This new section requires agencies or ministers, where access is given to whole document, to publish the freedom of information request itself, and the reasons for the decision, within 10 working days after the person is given access. It requires agencies or ministers, where access is given to an edited document, to publish the freedom of information request itself and the notice that an edited copy has been prepared, and the grounds for deletion, within the 10 working days after notice is given. If a request for the reasons for the decision is made for the refusal to the whole document, the new section requires agencies or ministers to publish the reasons within 10 working days after the reasons are given. Where access is not given to a document at all, the new section requires agencies or ministers to publish the freedom of information request itself within 10 working days after the decision, and the reasons for the decision, within 10 working days after the reasons are provided. Essentially, this provision will require agencies and ministers to publish the exact wording of freedom of information requests.
The new section 11D proposed by Senator Ludwig will also require agencies and ministers to publish a statement of reasons concerning the decision to allow or refuse the release of requested documents. Section 26 of the Freedom of Information Act currently provides for statements of reasons to be given where a decision is made to refuse access. Section 22 of the Freedom of Information Act provides reasons to be given where an edited copy of a document is provided. The difference with the new provision is that a statement of reasons is also required when access is granted in full, and that all statements of reasons, as well as the requests themselves, must now be published within 10 working days. Once again, this new provision will impose a substantive administrative burden on agencies and ministerial officers, which could result in significant processing delays in other aspects of freedom of information processing.

Senator Ludwig states that this measure will facilitate more practical use of freedom of information requests, will reduce duplication of requests and will open the door for further reform by parties other than the initial applicant. It is more likely that publishing reasons for decisions will result in overburdened agencies that are struggling to manage increasingly heavy freedom of information workloads taking shortcuts and adopting published reasons rather than making a decision based on the circumstance of the particular freedom of information request.

This government is committed to being a transparent, accountable and open government. The Freedom of Information Act is an important accountability measure, which facilitates the open and transparent operation of government. Rather than ensuring accountability and transparency, the measures in the bill will compromise the effectiveness of the decision-making processes under the Freedom of Information Act. It is unlikely that the measures in the bill will reduce duplication of requests, as requests cannot be refused where information is publicly available free of charge or where information that would substantially address the subject matter of the request is regularly made available—for example, in annual reports or otherwise. Nor can the request be refused if the request is substantially the same as another freedom of information request that has been made. An applicant does not need to provide a reason for making a freedom of information request.

This will not reduce duplication of requests. It will not reduce the number of requests. Instead it will impose further unnecessary steps and procedures into existing processes for access to government information under the Freedom of Information Act. This will delay the costs and complexity of freedom of information processing and result in significant processing delays. That is why this government will be opposing the bill of Senator Ludwig.

**Senator MOORE** (Queensland) (11:48): I am very pleased to be able to take part in this fascinating discussion on freedom of information. I am very disappointed that Senator McGrath was able to finish three minutes early; I was hoping that there would be a little bit more time for him to share his views on this Freedom of Information Amendment (Requests and Reasons) Bill 2015.

I do agree with Senator McGrath on the importance of freedom of information in our government—in any government. In fact, we know that the history of freedom of information shows that a series of successive governments have identified the need to have transparency in decision making, and to allow citizens to engage with their government to ensure that they will understand effectively decisions that are being made and also a access information which
is of interest to them. I applaud Senator Ludwig's decision to maintain this discussion in this place, because any piece of legislation must continue to be discussed and reviewed to ensure that it maintains its original purpose. We know that the original purpose of this legislation was to ensure transparency of decision making.

We have heard from previous speakers on this side of the chamber about concerns that have been raised over the last two years about the way that decisions have not been open and transparent under this government. A number of key areas of policy have been shrouded by a process which has maintained secrecy and security as a reason not to ensure that people have access to information, access to data and access to policy background which would make the decisions more transparent and also allow effective knowledge and discussion in the community about the background to policies that have impacted on them and on our community. This is not only in areas that have traditionally been shrouded by this process. I have had the discussion many times about my concerns that—when anything has the cover of ASIO and national security put over it—there is no ability to get further information on those processes. What we have seen is that this has been extended to other areas. Indeed, Senator Ludwig's bill is looking at how we can use existing freedom of information legislation to ensure that there is a public process so that, if decisions have been made, departments, which are actually speaking on behalf of their minister, then have to give a full and detailed explanation about why decisions on FOI have been declined or indeed why they have been approved.

The core element of this is to ensure that there is timeliness. A standard of 10 working days is part of many of the implements of Senator Ludwig's proposed legislation, and that standard is the basis on which this transaction should take place. We know that—because of resources issues, because of workloads and because of the volume of FOI requests that can occur around particular pieces of legislation on policy—there will be times that departments will not be able to meet a standard of 10 working days. That happens now when we do not have such a limit, but we do allow the department to explain to the applicant the reasons for delays, to explain to the applicant what their process is of looking further into the legislation, whilst maintaining this protection that there would be a an expectation that decisions would be made and translated within—(Time expired)

Debate interrupted.

NOTICES

Presentation

Senator Di Natale to move:
That the Senate—
(a) notes that:
(i) on 13 February 2015, health professionals, academics and policy makers met to sign the Melbourne Declaration on Building Integration and Reducing Migration Related Health Inequity,
(ii) the health status of migrants and their access to health care is influenced by their channel of migration (voluntary, humanitarian or seeking asylum), language proficiency and circumstances in their countries of origin, and
(iii) immigration presents challenges to the health systems of the host country in the delivery of culturally-competent health and social services, and exacerbates disparities in health status between the migrant and host populations; and

(b) calls on the Abbott Government to:

(i) protect the health of, ensure health service provision for, and reduce health inequities of people from migrant and refugee backgrounds including forced and undocumented migrants,

(ii) ensure the provision of culturally-appropriate health care, both within existing service systems and also through specialised services where needed, and

(iii) improve health communication, health information and health literacy for people from culturally and linguistically diverse communities, and of migrant, refugee and asylum seeker background.

Senator Ludlam to move:

That—

(a) the Senate notes that:

(i) a significant number of video game development companies have recently experienced financial difficulties with their Australian operations,

(ii) this has led to a substantial loss of jobs and companies exiting the country,

(iii) the industry has been further negatively affected by the Abbott Government's decision to close the Australian Interactive Games Fund just 12 months after it was established, and

(iv) comparable countries such as Canada have seen a rapid expansion of their video game development industry over the same time frame; and

(b) the following matter be referred to the Environment and Communications References Committee for inquiry and report by 1 April 2016:

The future of Australia's video game development industry, with particular reference to:

(i) how Australia can best set regulatory and taxation frameworks that will allow the local video game development industry to grow and fully meet its potential as a substantial employer,

(ii) how Australia can attract video game companies to set up development operations in Australia and employ local staff;

(iii) how export opportunities from Australia's local video game industry can be maximised, and

(iv) any other related matters.

Senator O'Sullivan to move:

That the Senate notes:

(a) the Australian beef industry contributed $8.5 billion to the national economy in 2013-14,

(b) that in 2014, the United States became our largest beef export market, worth $2.44 billion, or around 32 per cent of the total value of our beef exports; and

(c) that this is an important sign of our rural producers capitalising effectively on opportunities in overseas markets, delivering real returns at the farm gate and for our nation's economy.

Senator Siewert to move:

That the Senate—

(a) notes that a Queensland man has been caught with more than 3,000 shark fins, likely destined for the black market, and that we do not know the origin of the shark fins or how they were caught;

(b) acknowledges that the high prices that shark fins fetch plays a significant role in encouraging illegal fishing and import in Australia; and
(c) calls on the Government to:
   (i) ban the possession, sale and/or trade of imported shark fin in Australia, and
   (ii) appoint a working group to determine how to implement this policy.

Senator Hanson-Young to move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 18 August 2015:

The payment of bribes by the Commonwealth of Australia in exchange for the turn back of asylum seeker boats, with reference to:

(a) the reply of the Government to the order for production of documents ordered by the Senate in the amended general business notice of motion no. 724 moved by Senator Hanson-Young on 16 June 2015;
(b) any money paid to anyone on board a vessel en route to Australia or New Zealand by any Customs, Immigration or other Commonwealth officer from September 2013 to date;
(c) the facilitation or authorisation of the payment of any money to anyone on board a vessel en route to Australia or New Zealand by any Customs, Immigration or other Commonwealth officer from September 2013 to date;
(d) any orders to turn back or take back any such vessels, their passengers or crew;
(e) any payments made to any such vessels' captain, crew or passengers;
(f) any payments made in relation to the passage of any such vessels, their passengers or crew;
(g) the legality, under international and domestic law, of the above matters;
(h) the damage caused by the above matters to the bilateral relationship between Australia and Indonesia;
(i) the extent to which any such bribes constitute an incentive for people-smuggling operations to Australia;
(j) whether it is standard practice for Australia to pay cash to the captains or crew of boats carrying asylum seekers and, if so, how long this practice has been carried on and how much has been spent on this policy in the past, including what payments have been made to particular individuals and the amount of any such payments;
(k) the interception of a vessel en route to Australia or New Zealand in May or June 2015; and
(l) any related matters.

COMMITTEES

Selection of Bills Committee

Report

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (11:52): I present the seventh report of 2015 of the Selection of Bills Committee. I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 7 of 2015

1. The committee met in private session on Wednesday, 17 June 2015 at 7.16pm.
2. The committee resolved to recommend—that—
3. The committee resolved to recommend—That the following bills \textit{not} be referred to committees:

- Imported Food Charges (Imposition–General) Bill 2015
- Imported Food Charges (Imposition–Customs) Bill 2015
- Imported Food Charges (Imposition–Excise) Bill 2015
- Imported Food Charges (Collection) Bill 2015.

\textit{The committee recommends accordingly.}

4. The committee deferred consideration of the following bills to its next meeting:

- Australian Centre for Social Cohesion Bill 2015
- Australian Radiation Protection and Nuclear Safety Amendment Bill 2015
- Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2015
- Corporations Amendment (Publish What You Pay) Bill 2014
- Gene Technology Amendment Bill 2015
- Motor Vehicle Standards (Cheaper Transport) Bill 2014
- Passports Legislation Amendment (Integrity) Bill 2015
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2014.

David Bushby

\textit{Chair}

18 June 2015

\textbf{APPENDIX 1}

\textbf{SELECTION OF BILLS COMMITTEE}

\textbf{Proposal to refer a bill to a committee:}

\textbf{Name of bill:}

Australian Small Business and Family Enterprise Ombudsman Bill 2015

\textbf{Reasons for referral/principal issues for consideration:}

The role and operation of the small business Ombudsman seem inconsistent with the operation of similar Ombudsman positions.

\textbf{Possible submissions or evidence from:}

Relevant small business stakeholders

\textbf{Committee to which bill is to be referred:}

Legal and Constitutional Affairs

\textbf{Possible hearing date(s):}

To be determined by the committee

\textbf{Possible reporting date:}

11 August 2015
Senator BUSHBY: I move:

That the report be adopted.

The DEPUTY PRESIDENT: The question is that that motion be agreed to.

Senator MOORE (Queensland) (11:52): Mr Deputy President, we have an amendment to the Selection of Bills Committee report. I move the amendment which has been circulated in the chamber:


It is in respect of the Australian Small Business and Family Enterprise Ombudsman Bill 2015 and the Australian Small Business and Family Enterprise Ombudsman (Consequential and Transitional Provisions) Bill 2015. We have a request that the Selection of Bills Committee report be amended, to allow for an inquiry into these two bills by the Legal and Constitutional Affairs Legislation Committee to report by 11 August 2015.

Senator WHISH-WILSON (Tasmania) (11:53): I just want to make a few quick comments about the bill. The Greens will be supporting this bill—supporting this motion, sorry. We brought a private member's bill—

The DEPUTY PRESIDENT: The question before the chair is that the amendment be agreed to, but you can speak on that.

Senator WHISH-WILSON: Thank you. I just wanted to make it clear that I, on behalf of the Greens, brought a private member's bill to the Senate in 2013 that was very similar to this. We wanted to give extra powers to the Commonwealth Small Business Commissioner, which was an initiative brought in by Labor. We wanted to give them, especially, powers for dispute resolution, which were missing. We put that up; it was voted down. This bill is very similar to that. So we will be supporting the extension of this.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:54): I move the following amendment to Senator Moore's proposed amendment:

Omit "11 August 2015", substitute "24 June 2015".

I must say that I am a little perplexed as to the desire of the opposition to seek to delay the opportunity for this bill to pass through the parliament by kicking out the date for the committee to inquire into this legislation. We saw the spectacle—the stunt, if you will—of Mr Shorten, in relation to other important small business legislation the other week when we were in Senate estimates. Mr Shorten's stunt was to move that the question be put—which we know in this place as a gag—and that was supposedly to demonstrate Mr Shorten's commitment to the small-business sector and that somehow he was even more committed than the government to the small-business sector by his desire to race that legislation through the House. There were some who took Mr Shorten's actions at face value—which is something that is always a little dangerous to do—and thought, 'Oh, gee, the opposition is trying to be more than helpful,' and there were some who said, 'Why didn't the government
support Mr Shorten's motion that the question be put, because it would have speeded its passage into law? There is one little problem with that: the Senate was not actually sitting, so allowing those colleagues in the House who wanted to contribute in that debate to contribute would not, in any way, shape or form, have delayed our small business legislation finally coming into law because the Senate was not actually in session. So, having done that in that place, I am a little surprised that, when it comes to our legislation for a Small Business and Family Enterprise Ombudsman, Labor are seeking to delay things. Anyway, I just think there is a little inconsistency there.

We are keen to get on with this. That is why I have moved the amendment—that the committee report not on the date proposed by Senator Moore but sooner.

Senator MOORE (Queensland) (11:57): I rise to speak to my amendment in opposition to the minister's amendment to my amendment—and I kept checking with the clerk that I actually got that second bit in there so I could speak on the opposition to the amendment raised by the minister. There is no inconsistency in our position. We on this side of the chamber have got strong commitment to small business and we share the concern that small business needs to be supported in our community. This is not some kind of arm-wrestle about who is more committed to small business. Basically, what we are asking for in this process is: this bill has some complexities in the transfer of responsibilities between the existing Small Business Commissioner and the newly created Small Business and Family Enterprise Ombudsman. It is the creation of a new position. We want to see that there is an effective opportunity for the Senate—and, through the Senate, for the community—to have a close look at what the impact of the changes will be, at the responsibility of the changes and at whether there is any overlap that may occur between the two positions and their organisations, and also to look at the actual impact of this change.

We are not asking for an extensive delay in this process. Again, there is no need for this bill to be done in this particular sitting—or by the 24th, if the minister's amendment to my amendment gets up. The delay of one sitting week, in having a reporting date on 11 August, gives us the opportunity of the break to have the appropriate committee, the Legal and Constitutional Affairs Legislation Committee, look at the legal aspects of the changes, giving them an opportunity to have public input. People are interested in this area—and there is great interest in this area, about how it will operate, and the way that the overlap will happen, and how the new organisation will operate into the future. The Small Business Commissioner will continue to operate in this period. There will be no lack of service to any groups that would need support or information from the process. Again, what we are asking for is a chance for the Senate to do its job. The Senate has the opportunity, through the appropriate committees, to review the legislation, to inquire into it and get submissions and information from the community and from organisations about concerns that they may have with the process, and then to make recommendations back to the parliament about the strength of the bill and how we can possibly improve it. This is not a delaying tactic. It is an opportunity for us to do our job and for the committee to bring back the recommendations in the first sitting week of August so then we can make a decision which fulfils our commitment to small business. It has no intent to delay. It only allows proper scrutiny of legislation.

The DEPUTY PRESIDENT: Senator Bushby has moved a motion to adopt the Selection of Bills Committee report. Senator Moore is seeking to amend that report, and Senator Fifield
is seeking to amend Senator Moore's proposed amendment. The question I will put first is Senator Fifield's amendment. Senator Whish-Wilson, did you also want to speak on Senator Fifield's amendment?

Senator WHISH-WILSON (Tasmania) (12:00): I have a very short statement. I also wanted to reiterate why there are at least inferences if not direct accusations going across the chamber that by delaying this and sending it to committee somehow we do not support small business. The Greens have been leading on small business now for years and, as I said, I did put a private member's bill on this exact issue. In fact, I was quite stunned when I read this. It is almost identical to what I put up, and I was told at the time that the Liberal Party, who were in opposition, voted it down because they wanted to do something similar when they got into government.

Senator Cormann interjecting—

Senator WHISH-WILSON: What a cynical business we operate in, Senator Cormann. I actually have not had a chance to have a look at it yet, and given that I have an active interest, as do the Labor Party, I would like to see this go to committee and be properly scrutinised. I do have concerns about duplication of roles between the Small Business Commissioner and this new ombudsman and I really hope that there is a genuine need for it. The Small Business Commissioner did need teeth, he did need extra powers, and I highly commended Labor at the time for making that appointment, but we could improve. So I would really like to have a look at where this bill delivers that and I would like to know what happens to his office, because he is employing people, he now has his feet on the ground and he is doing a good job.

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

The Senate divided. [12:06]

(The Deputy President—Senator Marshall)

Ayes ....................28
Noes ....................31
Majority ..............3

AYES

Back, CJ
Birmingham, SJ
Canavan, M.J.
Colbeck, R
Day, R.J.
Fawcett, DJ
Fifield, MP
Lindgren, JM
McGrath, J
Muir, R
O'Sullivan, B
Ronaldson, M
Seselja, Z
Smith, D
Bernardi, C
Bushby, DC (teller)
Cash, MC
Cormann, M
Edwards, S
Ferrarvanti-Wells, C
Johnston, D
Macdonald, ID
McKenzie, B
Nash, F
Reynolds, L
Ruston, A
Sinodinos, A
Williams, JR
Question negatived.
Amendment moved by Senator Moore agreed to.
Original question, as amended, agreed to.

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:09): I move:

That—

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

No. 2 Customs Amendment (Australian Trusted Trader Programme) Bill 2015
No. 3 Tax and Superannuation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2015
No. 4 Superannuation Guarantee (Administration) Amendment Bill 2015
No. 5 Private Health Insurance (National Joint Replacement Register Levy) Amendment Bill 2015
No. 6 Crimes Legislation Amendment (Penalty Unit) Bill 2015
No. 7 Personal Property Securities Amendment (Deregulatory Measures) Bill 2014
No. 8 Defence Legislation (Enhancement of Military Justice) Bill 2015

(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: I move:

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

(a) general business notice of motion no. 742 standing in the name of Senator Siewert relating to marriage equality; and

(b) orders of the day relating to documents.

Question agreed to.

Senator FIFIELD: I move:

That general business order of the day no. 63 (Freedom of Information Amendment (Requests and Reasons) Bill 2015) be considered on Thursday, 25 June 2015 under the temporary order relating to the consideration of private senators' bills.

Question agreed to.

NOTICES

Postponement

Business of the Senate notice of motion no. 1 standing in the name of Senator Xenophon for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 25 June 2015.

Business of the Senate notice of motion no. 4 standing in the names of Senators Xenophon, Madigan and Lambie for today, proposing a reference to the Economics References Committee, postponed till 23 June 2015.

General business notice of motion no. 748 standing in the name of Senator Hanson-Young for today, relating to the failure of the Assistant Minister for Border Protection to comply with an order for the production of documents, postponed till 22 June 2015.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Reporting Date

The Clerk: Notifications of extensions of time for committees to report have been lodged in respect of the following:


The DEPUTY PRESIDENT (12:10): Thank you, Clerk. I remind senators that the question may be put on any of those proposals at the request of any senator. There being none, we will move on.

Legal and Constitutional Affairs Legislation Committee

Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (12:11): by leave—on behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Macdonald, I move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.35 pm.

Question agreed to.
Environment and Communications References Committee
Reference

Senator WHISH-WILSON (Tasmania) (12:11): I move:

That the following matter be referred to the Environment and Communications References Committee for inquiry and report by 8 April 2016:

(a) the review of current research and scientific understanding of plastic pollution in the marine environment;
(b) sources of marine plastic pollution;
(c) the impacts of marine plastic pollution, including impacts on species and ecosystems, fisheries, small business, and human health;
(d) measures and resourcing for mitigation; and
(e) any other relevant matters.

Question agreed to.

Rural and Regional Affairs and Transport References Committee
Reference

Senator STERLE (Western Australia) (12:12): I, and on behalf of Senator Rice, move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by the first sitting day of 2016:

(a) the effect on Australia's national security, fuel security, minimum employment law standards and our marine environment;
(b) the general standard of Flag of Convenience vessels trading to, from and around Australian ports, and methods of inspection of these vessels to ensure that they are seaworthy and meet required standards;
(c) the employment and possible exposure to exploitation and corruption of international seafarers on Flag of Convenience ships;
(d) discrepancies between legal remedies available to international seafarers in state and territory jurisdictions, opportunities for harmonisation, and the quality of shore-based welfare for seafarers working in Australian waters;
(e) progress made in this area since the 1992 House of Representatives Standing Committee on Transport, Communications and Infrastructure report Ships of shame: inquiry into ship safety; and
(f) any related matters.

Question agreed to.

Community Affairs Legislation Committee
Reporting Date

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:13): I move:

That the Community Affairs Legislation Committee report on the Social Services Legislation Amendment (Fair and Sustainable Pensions) Bill 2015 by 22 June 2015.
The DEPUTY PRESIDENT: The question is that the motion moved by Senator Fifield be agreed to.

The Senate divided. [12:17]

(The Deputy President—Senator Marshall)

Ayes ...................... 41
Noes ...................... 19
Majority ................ 22

AYES

Back, CJ
Bernardi, C

Birmingham, SJ
Bushby, DC (teller)

Canavan, M.J.
Cash, MC

Colbeck, R
Cormann, M

Day, R.J.
Di Natale, R

Fawcett, DJ
Fierravanti-Wells, C

Fifield, MP
Hanson-Young, SC

Johnston, D
Leyonhjelm, DE

Lindgren, JM
Luulam, S

Macdonald, ID
Madigan, JJ

McGrath, J
McKenzie, B

Milne, C
Muir, R

Nash, F
O’Sullivan, B

Reynolds, L
Rhiannon, L

Rice, J
Ronaldson, M

Ruston, A
Seselja, Z

Siewert, R
Sinodinos, A

Smith, D
Wang, Z

Waters, LJ
Whish-Wilson, PS

Williams, JR
Wright, PL

Xenophon, N

NOES

Bilyk, CL
Brown, CL

Bullock, J.W.;
Cameron, DN

Carr, KJ
Dastyari, S

Gallacher, AM
Gallagher, KR

Ketter, CR
Lambie, J

Lazarus, GP
Ludwig, JW

McAllister, J
McEwen, A (teller)

McLucas, J
Moore, CM

Singh, LM
Sterle, G

Urquhart, AE

Question agreed to.

Senator MOORE (Queensland) (12:19): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.
Senator MOORE: We have just seen, with that motion, a reversal of a decision that was made by this chamber only this week about having an inquiry with a longer reporting date on a significant issue in this year's budget. This is unprecedented for the Senate Community Affairs Legislation Committee. I have gone back and checked the records, and at no stage have we had a decision to consider a bill, one that saves billions of dollars for the government and affects hundreds of thousands of our pensioners, without having an inquiry and allowing people to provide evidence to our committee. Never before—I take that back. In the last 15 years, at no stage has the community affairs committee ever done an inquiry of this nature based only on the papers.

Mr Deputy President, we are disappointed about this decision. We will take the argument up in the debate next week. But it is a real change for the community affairs committee to be rushed into such a process on such an important piece of legislation. We know the deal has been made; the government and the Greens have done a deal on that—

The DEPUTY PRESIDENT: Order! Senator Moore, your time has expired.

MOTIONS
Greste, Mr Peter

Senator MILNE (Tasmania) (12:21): I, and on behalf of Senators Back and Xenophon and the Leader of the Opposition in the Senate (Senator Wong), move:

That the Senate—
(a) notes with deep concern:
   (i) That the Australian journalist, Mr Peter Greste, remains subject to an ongoing re trial in Egypt,
   (ii) that having been deported from Egypt under Presidential Decree, Mr Greste continues to be subject to ongoing proceedings,
   (iii) the nature of the charges and allegations made against Mr Greste, and
   (iv) the nature and the lack of evidence presented before the Court by the prosecution in respect of those charges;
(b) acknowledges:
   (i) the important role journalists perform internationally in their work, and
   (ii) the extensive efforts of parliamentarians across the political spectrum and the ongoing efforts made by the Australian Government, including the Prime Minister (Mr Abbott), the Minister for Foreign Affairs (Ms Bishop) and others, to make representations to the Egyptian Government to ensure that Mr Greste's case is dealt with justly, and in accordance with due process; and
(c) supports Mr Greste's bid to clear himself of the charges, and the Government's continuing efforts to make representations on his behalf.

Question agreed to.

DOCUMENTS

Headspace

Order for the Production of Documents

Senator WRIGHT (South Australia) (12:22): I move:

That there be laid on the table by the Minister representing the Minister for Health, no later than 3.30 pm on Thursday, 25 June 2015, the report on the governance arrangements of Headspace, conducted by
an independent reviewer and received by the Department of Health, as outlined by the Primary and Mental Health Care Division First Assistant Secretary, Mr Mark Booth, in the Community Affairs Legislation Committee estimates hearing on Monday, 1 June 2015.

Question negatived.

MOTIONS

Motorcycle Safety

Senator LEYONHJELM (New South Wales) (12:22): I, and also on behalf of Senator Wang and Senator Day, move:

That the Senate—

(a) recognises that:

(i) the growing popularity of motorcycling is helping to ease congestion in our cities, both on the roads and with parking,

(ii) motorbikes use less fuel, produce fewer emissions and cause less road wear than other vehicles, while up to five motorbikes can occupy the same parking space as a single car, and

(iii) state and territory governments could do much more to promote motorcycling by reducing direct costs and addressing factors that discourage motorcycle adoption; and

(b) calls on the Government to develop a motorcycle strategy through the Motorcycle Safety Consultative Committee to address:

(i) the social and economic benefits of greater use of motorcycles,

(ii) the social and economic cost of road related motorcycle injury and death, and

(iii) the need for a satisfactory national standard for motorcycle helmet certification.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: Motorcyclists represent an important and growing part of Australia's overall transport picture. They are a vulnerable group of road users, and the Australian government is committed to improving motorcyclists' safety through its National Road Safety Action Plan. The government's action plan includes the mandating of antilock braking systems for new motorcycles, a measure which will deliver enormous safety benefits for Australian motorcyclists. Standards Australia and the ACCC are similarly in the process of assessing motorcycle helmet supply standards. We think referral of these matters to a committee would duplicate effort and risk delaying the work that is currently underway.

Question agreed to.

Egg Labelling

Senator WILLIAMS (New South Wales) (12:24): I, and also on behalf of Senator O'Sullivan and Senator Canavan, move:

That the Senate—

(a) notes:

(i) 408 million dozen eggs are produced by Australian growers annually,

(ii) at current growth rates it is forecast that 971 million dozen eggs, an increase of 138 per cent, will have to be produced by Australian growers by the year 2055,
(iii) the average Australian consumes 220 eggs annually,
(iv) Australians have a choice of cage, barn or free-range eggs,
(v) that there is no national farming standard for free range eggs, and
(vi) That the Australian Competition and Consumer Commission (ACCC) has launched legal action against a number of free range egg producers for allegedly misleading consumers; and

(b) further notes that at the Legislative and Governance Forum on Consumer Affairs (CAF) meeting on Friday, 12 June 2015:
   (i) ministers agreed to direct officials to prepare a draft national standard on egg labelling, for consideration by ministers later in 2015, to enhance consumer confidence and certainty around egg labelling,
   (ii) CAF officials will consult with affected stakeholders and industry in preparing a cost benefit analysis, with the draft standard to include a statement of when the free range label may be used, having regard to recent ACCC case law, and
   (iii) CAF officials were asked by the ministers to include in the draft standard other potential category labels.

Question agreed to.

Higher Education

Senator WANG (Western Australia) (12:24): I, and also on behalf of Senator Day and Senator Leyonhjelm, move:

That the Senate notes that:
(a) public universities currently do not sufficiently compete with one another to lower fees for domestic undergraduate students, instead, they routinely charge the maximum amount allowed by the current government, thus rewarding inefficiency and keeping tuition artificially high for students;
(b) competition brings down tuition fees for students, for example, government funding would allow private not for profit colleges, such as Sheridan College in Perth, to deliver current and future courses without a charge to students, and many other private colleges and universities would also reduce fees;
(c) students would have the choice to earn an undergraduate degree without incurring a crushing debt burden;
(d) the Government would be under no obligation to provide capital grants, such as land, building, equipment etc. to such colleges;
(e) extending funding to private colleges and private universities would both benefit students and save government money; and
(f) a proposal to extend the Commonwealth Grants Scheme (CGS) to not for profit private colleges and universities should be considered irrespective of the rest of the Government’s higher education deregulation agenda, as funding private not for profit colleges, such as Sheridan College, levels the playing field leading to the possibility of free education for Australian students.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MOORE: This motion is in a number of respects factually incorrect and misunderstands the nature of the education system. Nowhere, either in Australia or in any other country, has competition in the field of education led to lower prices. In fact, the opposite is the case. The privatisation and deregulation of child care, school education and, most recently, vocational education and training has led to higher costs for students and their
families in every instance. There is no reason to think that privatisation of the university system would be any different. Australia has a strong, sustainable and diverse university system, and there is no case to undermine it. Labor does not support this motion.

The DEPUTY PRESIDENT: The question is that general business notice of motion No. 745 be agreed to.

The Senate divided. [12:30]

The Deputy President—Senator Marshall

Ayes ...................... 28
Noes ...................... 31
Majority .............. 3

AYES

Back, CJ
Bernardi, C
Birmingham, SJ
Bushby, DC (teller)
Canavan, M.J.
Cash, MC
Colbeck, R
Cormann, M
Day, R.J.
Fawcett, DJ
Fierravanti-Wells, C
Fifield, MP
Johnston, D
Leyonhjelm, DE
Lindgren, JM
Macdonald, ID
McGrath, J
McKenzie, B
Nash, F
O’Sullivan, B
Reynolds, L
Ronaldson, M
Ruston, A
Seselja, Z
Sinodinos, A
Smith, D
Wang, Z
Williams, JR

NOES

Bilyk, CL
Brown, CL
Bullock, J.W.
Cameron, DN
Carr, KJ
Di Natale, R
Gallacher, AM
Gallagher, KR
Hanson-Young, SC
Lambie, J
Lazarus, GP
Ludlam, S
Ludwig, JW
Madigan, JJ
McAllister, J
McEwen, A (teller)
McLucas, J
Milne, C
Moore, CM
Muir, R
O’Neill, DM
Peris, N
Rhiannon, L
Rice, J
Siewert, R
Singh, LM
Sterle, G
Urquhart, AE
Waters, LJ
Whish-Wilson, PS
Wright, PL

Question negatived
COMMITTEES

Meeting

Senator BUSHBY (Tasmania—Chief Government Whip in the Senate) (12:32): I move:

That:

(1) 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 from 10 am, as follows:

(a) Thursday, 13 August 2015;
(b) Thursday, 10 September 2015;
(c) Thursday, 15 October 2015;
(d) Thursday, 12 November 2015; and
(e) Thursday, 26 November 2015.

(2) 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, 12 August 2015;
(b) Wednesday, 9 September 2015;
(c) Wednesday, 14 October 2015;
(d) Wednesday, 11 November 2015; and
(e) Wednesday, 25 November 2015.

(3) the Joint Committee of Public Accounts and Audit be authorised to hold private meetings otherwise than in accordance with standing order 33(1), during the sittings of the Senate, followed by public meetings, from 10.30 am, as follows:

(a) Thursday, 13 August 2015;
(b) Thursday, 20 August 2015;
(c) Thursday, 10 September 2015;
(d) Thursday, 17 September 2015;
(e) Thursday, 15 October 2015;
(f) Thursday, 12 November 2015;
(g) Thursday, 26 November 2015; and
(h) Thursday, 3 December 2015.

Question agreed to.

MOTIONS

Aboriginal Legal Service: New South Wales

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:32): I move:

That the Senate—

(a) notes that:

(i) the 24-hour phone hotline staffed by lawyers provided by the New South Wales Aboriginal Legal Service has had its funding cut by the Federal Government, and
(ii) New South Wales legislation requires police to call an Aboriginal legal hotline when arresting an Indigenous person, and that this service was a recommendation of the Royal Commission into Aboriginal Deaths in Custody; and

(b) calls on the Government to restore the funding to this critical service.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The government does not support this motion. Indigenous legal service providers in all states and territories operate forms of custody notification service. The Aboriginal Legal Service New South Wales/ACT is the only provider ever to have received additional funding for its service in 2015-16. ALS NSW/ACT will receive over $17 million to provide Indigenous legal assistance in New South Wales and the ACT. This level of funding should enable the ALS NSW/ACT to continue its custody notification scheme.

Question agreed to.

Aboriginal Legal Service: Tasmania

Senator WHISH-WILSON (Tasmania) (12:34): I move:

(a) condemns the decision of the Government to reject the application for funding made by the Tasmanian Aboriginal Legal Service; and

(b) calls on the Government to restore annual funding to the Tasmanian Aboriginal Legal Service so that local Indigenous people can be provided with locally based assistance.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator WHISH-WILSON: There has been a strong community response to the decision to outsource Aboriginal legal support in Tasmania to Victoria. The Tasmanian Aboriginal legal service has been providing legal assistance to the Tasmanian Aboriginal community for over 42 years. They have an extraordinary level of experience and knowledge in supporting members of the Tasmanian Aboriginal community. The Attorney-General's decision not to fund the Tasmanian Aboriginal legal service, who are well regarded by the Tasmanian legal fraternity, is counterproductive. The Tasmanian Aboriginal legal service has cooperated with the Attorney-General's office and have said they will comply with any additional conditions that have been requested. I urge the Attorney-General to reconsider this decision.


The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIFIELD: The Attorney-General's Department undertook an open funding round to test the market and identify the best possible service delivery arrangements for Indigenous Tasmanians delivered through the most cost-effective and culturally appropriate model. Aboriginal legal service of Tasmania was the successful tenderer. ALS of Tasmania will be permanently based in Tasmania with a head office in Hobart, with regional office locations to be determined in consultation with the community. It will employ and be advised by Tasmanians. A Tasmanian advisory council will be established.
Liquefied Natural Gas Exports

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (12:36): I move:
That the Senate—
(a) welcomes the commencement of gas exports from QCLNG's Curtis Island Queensland Liquefied Natural Gas (LNG) plant, the first in the world to produce LNG from coal seam gas (CSG), and
(b) notes that these plants will eventually produce roughly 8 per cent of global LNG production, transforming Australia into the world's largest gas exporter by 2017 and potentially generating $53 billion in export earnings between 2013 and 2017.
Question agreed to.

Greece: Economy

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:38): I, and also on behalf of Senator Rhiannon, move:
That the Senate—
(a) notes:
   (i) the perilous state of the Greek economy and the misery being endured by many in the Greek community as a result of economic conditions,
   (ii) that in May 2010 the Eurozone countries, the European Central Bank and the International Monetary Fund (IMF) launched a €110 billion bailout that was conditional on implementation of austerity measures, and
   (iii) tripartite lenders to Greece are currently demanding further austerity measures, without future debt relief, in order to release the remaining funds from the current lending program agreement; and
(b) calls on the Australian Treasurer (Mr Hockey), a member of the International Monetary and Financial Committee of the IMF, and Governor of the IMF and the World Bank Group to:
   (i) express concern at the continued support by IMF officials for the austerity program for Greece,
   (ii) seek the support of other IMF member states for alternative measures that will better address social and humanitarian challenges in Greece, and
   (iii) insist the IMF refrain from imposing policy conditions upon Greece which will potentially lead to a default of more than AUD$40 billion debt towards the IMF.
I seek leave to make a brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: This motion goes to Australia's ability to alleviate the extraordinary suffering that has been levied against the people of Greece. The dramatic collapse of Greek GDP by more than 25 per cent—

Government senators interjecting—

Senator LUDLAM: This is a serious issue.

The DEPUTY PRESIDENT: Order!

Senator LUDLAM: The dramatic collapse of Greek GDP by more than 25 per cent began more than five years ago and it has produced a humanitarian disaster. The minimum wage has shrunk by some 40 per cent and unemployment in Greece has risen, with 25 per cent of people now being unemployed and nearly 60 per cent of all youth being unemployed. The fact
is that the collapse of the Greek economy has been almost intentional. It has gone hand in
hand with the implementation of the most extreme form of austerity politics that has been
prescribed by the troika of lenders: the ECB, the EU and the IMF.

Our Treasurer, Joe Hockey, is a member of the IMF’s International Monetary and Financial
Committee. We are asking that the Senate call Mr Hockey and the governors of the IMF and
the World Bank Group to ensure that further misery is not visited on the people of Greece.

Question negatived.

Perth Freight Link

Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:40): I move:

That the Senate—

(a) notes that:

(i) the planning for the Perth Freight Link is in absolute chaos,
(ii) the project is counter to current state planning priorities set out in ‘Perth @ 3.5 million & beyond’
    which aims for renewal and infill of existing urban areas,
(iii) over 18 groups and three local councils are now part of a formal alliance against this project, and
(iv) no matter how the freight arrives at Fremantle Port it will be at capacity within a decade; and

(b) calls on the Government to commit to suspending federal environmental assessment and all federal
funding for the project until such time as the Western Australian Barnett Government:

(i) publicly releases the business case for the project,
(ii) releases a detailed plan for stage 2 and 3 of the Perth Freight Link, showing how it proposes to
    build the road through Fremantle all the way to the port,
(iii) undertakes formal assessment and community engagement on those plans, and
(v) formally investigates all alternative options, including the Outer Harbour.

Senator CORMANN (Western Australia—Minister for Finance) (12:40): I seek leave to
make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator CORMANN: The Australian government is absolutely committed to the Perth
Freight Link project. It is a very important project for the Western Australian economy and
the community in my home state of Western Australia. It is progressing as planned
and construction will start early this year. The Perth Freight Link will provide the missing link in
Perth’s urban transport corridor by connecting the main industrial areas with the Fremantle
port, reducing traffic times for heavy vehicles and improving the safety on arterial roads. The
Roe Highway extension component of the project will also service any future development of
the outer harbor.

The summary business case for the Perth Freight Link, which was released in December
last year, details the significant productivity benefits this project will deliver. It is stated that
the project is expected to deliver a 9.5 minute travel time saving for heavy vehicles travelling
to the Fremantle port and a total of $840 million in vehicle operating cost savings. In addition,
2,400 jobs will be created to benefit the Western Australian economy. It is not the place of
this Senate to make planning decisions on behalf of the great state of Western Australia.
Senator LUDLAM (Western Australia—Co-Deputy Leader of the Australian Greens) (12:41): I have to take the bait. I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: Senator Cormann, you are entirely welcome to go down with the sinking ship, if that is the way you see it. To those residents who live in and around the impact area of this $1.6 billion white elephant that you signed off on without seeing the business case—

Government senators interjecting—

The DEPUTY PRESIDENT: Order!

Senator LUDLAM: It is $1.6 billion. There are now three local government areas—

Government senators interjecting—

The DEPUTY PRESIDENT: The Senate needs to come to order.

Senator LUDLAM: It is entirely indicative of the attitude of this government and the Barnett government. The Liberal Party is now completely isolated on this $1.6 billion white elephant. This project will not be going ahead. There are now three local government areas and 18 community groups in a formal alliance stepping up to stop this project. Not a dollar’s worth of Commonwealth or state funds for the transport sector should go into proceeding this freeway project. The Perth Freight Link will not be going ahead in this form.

The DEPUTY PRESIDENT: I would like to remind senators that statements by leave to motions during discovery of formal business should not amount to a de facto debate on the motion before us. The question is that general business notice of motion No. 738 be agreed to.

The Senate divided. [12:47]

(Reading of vote)

AYES

Bilyk, CL
Bullock, J.W.
Carr, KJ
Gallacher, AM
Hanson-Young, SC
Ludlam, S
McAllister, J
McLucas, J
Moore, CM
Rhiamon, L
Siewert, R
Sterle, G
Waters, LJ
Wright, PL
Brown, CL
Cameron, DN
Di Natale, R
Gallagher, KR
Lines, S
Ludwig, JW
McEwen, A
Milne, C
O’Neill, DM
Rice, J
Singh, LM
Urquhart, AE (teller)
Whish-Wilson, PS

NOES

Back, CJ
Bernardi, C

CHAMBER
I rise to speak on the Customs Amendment (Australian Trusted Trader Programme) Bill 2015. Labor fully supports this bill which implements quality assurance standards for traders subject to Customs oversight. These standards are based on the so-called SAFE framework proposed by the World Customs Organization in 2005. In the 10 years since then, the SAFE standards have been adopted by all of Australia’s major trading partners, including the United States, China, Japan, the European Union, Canada and New Zealand. This bill brings Australian standards into line with theirs.

Under the new framework, traders that comply with the standards will be assessed as low risk and will benefit from reduced regulation. These trusted traders will be removed from the traditional transaction-based border risk assessment. That risk assessment, it should be understood, is primarily an administrative process concerning matters such as tariff rulings and customs dues. The tests conducted by agencies such as the Australian Federal Police, biosecurity regulators and other security agencies will continue to apply. This legislation has been prepared in consultation with stakeholders, including the Australian Industry Group, the
Australian Federation of International Forwarders and the Australian Peak Shippers Association, who have indicated their support for the change.

The new standards will operate through participation in an Australian Trusted Trader Program, for which traders will be able to nominate themselves. If the Comptroller-General of Customs considers that an applicant is able to satisfy the qualification criteria, the administrative benefits will be conferred through a trusted trader agreement. The comptroller-general may unilaterally end, suspend or modify an agreement if he or she reasonably believes a trader is not complying with an agreement. If the Comptroller-General refuses to enter into an agreement, the decision may be reviewed by the Administrative Appeals Tribunal.

The qualification criteria follow those laid out in the SAFE framework and the World Trade Organization's Agreement on Trade Facilitation. Under the criteria, a trader must have been participating in an international supply chain for a minimum of two years before nominating for an agreement. It must also be a legal entity that is able to conduct business, has an Australian business number, submits its record keeping for scrutiny and is subject to periodic security checks. Applicants must demonstrate that they have adequate procedures to ensure that communications on the import or export of goods are accurate, secure and submitted in accordance with regulation. They must also prove supply chain security standards—namely, adequate procedures for the security of cargo, staff, and business partners and third parties.

The Trusted Trader Program will begin as a 12-month pilot program involving 40 companies. This is a reform that will ensure that Australia's customs procedures align with world's best practice. On that basis, Labor is pleased to support it.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (12:54): The Customs Amendment Australian (Trusted Trader Programme) Bill 2015 will amend the Customs Act 1901 to establish the Australian Trusted Trader Program. The program will introduce differentiated trust-based regulatory treatment at the border for those entities that meet or exceed international supply chain security and trade compliance standards.

The proposed changes to the Customs Act will allow the Comptroller-General of Customs to enter into a trusted trader agreement with an entity that has nominated to participate in the program. A decision of the Comptroller-General of Customs to refuse to enter into a trusted trader program is reviewable by the Administrative Appeals Tribunal. The bill will allow the Comptroller-General of Customs to vary a trusted trader agreement following a validation, including physical inspection and audit, to release an entity from certain statutory obligations or enable the entity to meet certain statutory obligations in an alternative manner. A decision of the Comptroller-General of Customs to refuse to vary a trusted trader agreement is also reviewable by the AAT. The bill will allow the Comptroller-General of Customs to vary, suspend or terminate a trusted trader agreement unilaterally. A decision of the Comptroller-General of Customs to vary, suspend or terminate a trusted trader agreement is also reviewable by the AAT. The bill will allow the Comptroller-General of Customs to publish and maintain a public register containing information in relation to each trusted trader agreement entered into. It will allow the Comptroller-General of Customs to make rules, through a legislative instrument, in relation to the operation of the program.

In summary, the reform delivered through this bill will support the government's priority of ensuring Australia's ongoing success as an open economy. The bill will enable the Australian Border Force and the Department of Immigration and Border Protection to create stronger borders by shrinking the haystack. The commencement of the program will enhance...
Australia's capacity at the border to maintain the exponential growth in trade volume by diverting resources away from highly compliant traders to focus on risk and noncompliance. I thank senators for their contribution and commend the bill to the chamber.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (12:57): 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) (12:57): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Tax and Superannuation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator CAMERON (New South Wales) (12:58): I rise on behalf of the opposition to speak in support of the Tax and Superannuation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2015. Labor welcomes the government's legislation to increase the Medicare levy low-income threshold and the Medicare levy surcharge low-income threshold. The bill increases the Medicare levy low-income threshold for individuals and families, along with the dependent child-student component of the family threshold, and the Medicare levy low-income threshold for single taxpayers eligible for the seniors and pensioners tax offset so that they do not have a Medicare levy liability where they do not have an income tax liability. These movements are generally in line with increases in the consumer price index; although in some instances it is higher, depending on taxable income and the number of children. This will mean more people will be under the threshold. The bill also increases the Medicare levy surcharge low-income threshold in line with movements in the CPI. These measures apply to the 2014-15 income year and later income years.

In the debate on this bill in the other place, the shadow assistant treasurer, Dr Leigh, raised the question of why some movements are in line with changes in the consumer price index and others are not. I am unaware of the government having provided an answer to Dr Leigh's question and so the rationale for this remains something of a mystery. I hope that in his summing up the minister might enlighten the Senate as to why it has chosen to increase some thresholds in line with inflation but not others.

As I said at the outset of my contribution to this debate, Labor is pleased to support the government's legislation to increase the Medicare levy low-income threshold and the Medicare levy surcharge low-income threshold. Labor introduced Medicare when in
government in 1983 following the Fraser government's abolition of its predecessor, Medibank, which had been introduced 10 years earlier by the Whitlam government. In every subsequent term we have had in government, we strengthened Medicare and made it easier for Australians to get access to health services. Families deserve access to the health care they need, not the health care they can afford. Labor is very proudly the party of Medicare. Our record is strong. We increased bulk-billing to the highest rates ever and we will continue to protect Australia's universal healthcare system, because Medicare is worth protecting and is worth standing up for.

The changes implemented by this bill will mean that there are fewer low-income families and individuals who are required to pay the Medicare levy. We welcome the move to reduce the burden on families, especially given the $2 billion the Abbott government has cut from health and aged care since coming to office. These $2 billion in cuts include cuts to child dental benefits, cuts to dental and allied health for veterans and cuts to dementia and aged-care funding. When Bob Hawke introduced Medicare 30 years ago he warned that without it two million Australians 'faced potential financial ruin in the event of major illness'. Even a passing look at the health outcomes for marginalised Americans shows how far Australia has come in 30 years. The changes contained in this bill will help to ensure that those Australians on the lowest incomes are not burdened with additional taxation at the same time as accessing universal health care. Medicare is worth protecting. What has been achieved is worth being proud of and what it can achieve for future generations, particularly for those who need it most, is worth standing up for. Labor will continue to stand up for Medicare and against this government's short-sighted, unfair cuts that hurt the most vulnerable in our community.

Senator Ryan (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:02): The Tax and Superannuation Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2015 increases the Medicare levy low-income threshold for singles, families and single seniors and pensioners for 2014-15 and future income years in line with movements of the consumer price index. This ensures that low-income households generally do not begin to pay the Medicare levy if their income has increased in line with or by less than the CPI. The low-income thresholds have generally been increased in line with positive movements in the CPI each year since 1996-97. This is not a legislative requirement but a decision taken by government each time the thresholds are increased. The threshold for couple seniors and pensioners is not being increased as the current threshold is already sufficient to ensure that these households will not be liable to pay the Medicare levy when they are otherwise not liable to pay tax. The Medicare levy low-income thresholds ensure that people who paid no personal income tax because of the tax-free threshold and structural offsets, such as the low-income tax offset or the seniors and pensioners tax offset, do not incur the Medicare levy.

As part of the former government's carbon tax compensation package, in 2012-13 the tax-free threshold was substantially increased and the low-income tax offset was reduced. The net impact of these changes significantly increased the income level at which people started paying tax. In keeping with the principle that people who do not otherwise pay income tax should not pay the Medicare levy, the Medicare levy thresholds will also increase by significantly more than the CPI, except for the family threshold which was indexed to the CPI. Last year, only the family threshold was increased. The other thresholds remained higher.
than they would have been if they had been indexed to the CPI. This year the government has decided to maintain a range of Medicare low-income thresholds to ensure they remain consistent with what they would have been if indexed to CPI from 2011-12.

I will take the opportunity to respond to a number of the issues raised by my colleague Senator Cameron—some of the more political points. Medicare is indeed a very strong system and one that is valued by Australians. Senator Cameron falls for the trap that so many people do when attempting to position people who might have a slightly different view of Medicare priorities by comparing it, once again, to the American health system. The Australian health system has never had and never will have any substantial connection with the American health system. It is indeed something that Australians do not have a huge aspiration for.

Senator Cameron interjecting—

**Senator Ryan:** Senator Cameron, I will take your interjection. One of the great challenges of the American health system is the employer based contributions to health insurance. There is indeed an interesting historical legacy to this. Employment based health contributions to the American health system have had a significant impact on the lack of competitiveness of American industry. In a survey done at the start of last decade, just after the turn of the century, I recall seeing that the health obligations for General Motors for their current and former employees—and it was mainly former employees—added $1,000 to the cost of production of a car in the United States. Competitors to General Motors, whether they were imported or whether they were produced by factories that did not have those legacy employment and health issues, did not face that competition. That was a massive competitive barrier that harmed some of the legacy car manufacturers in America and it was common across the older American industries and the older American industrial states.

One of the reasons that employers got into the health insurance industry in the United States flowed from price controls on labour in World War II. It was one of the few ways in which companies could compete for labour. It is a very good example of the unintended consequence of attempted economic regulation. Companies competed for Labor by offering health insurance. Of course, in the United States there is that longstanding inconsistency where a company can purchase health insurance for an employee and that effectively comes out of untaxed income, but an employee who receives that and wants to take care of their own health does not get that tax benefit, which provides a further disincentive to an individual being able to look after their health needs or seek out health needs that are more appropriate to them and places another burden on the corporation.

There are many flaws in the American health system, particularly around access. I think most people would agree with this. One of the great things about Medicare is that it is not like the National Health Service in the UK. The National Health Service in the UK is not something to model a health system on. Firstly, it spends roughly two-thirds of national income that we do on health and gets much worse outcomes. I remember many years ago that, because of the fact that in health, as well as any other area of public policy, you have inertia of funding—funding goes where funding has always gone—if you went into a National Health Service hospital in your senior years you had a much greater risk of not coming out alive compared with that of a hospital outside the NHS. One of reasons was that money kept going to fund hospitals, and they did not have the incentive to set up out-of-hospital care and they did not have the same incentive for home care.
I think one of the great strengths of Medicare has always been its uniquely Australian blend of public and private provision, public and private funding and, effectively, a public and private insurance model. We cannot forget that one of the things that underpins healthcare in Australia—and access for those who do not necessarily have the same means as those of us in this chamber—is that there are substantial numbers of Australians who make significant contributions to their own health care. They are people who do not bulk-bill. They are people who pay private health insurance. They are people who contribute out of their income, where they can afford it. I think that is one of the strengths.

With regard to the cost of insurance, many years ago when the litigation costs rose we saw doctors leave private practice. We had problems with access to certain services, particularly services for women who were pregnant. One of challenges has always been to maintain this public and private balance. Rather than vilify private sources of health funding, rather than attack those who wish to support people who want to invest in their own health care, the idea that we have a private health insurance rebate—which has long been supported by this side of politics—and to support that public and private blend.

I want to take this opportunity to again make a point that is so often forgotten by those opposite: the reason a flat private health insurance rebate of 30 per cent was introduced by the former coalition government—it meant that those on higher incomes got a 30 per cent rebate but so did those on lower incomes—was to not use a tax deductibility approach that has been used in the past. The reason for that was one of equity. The reason for that was that tax deductibility will mean more to people on higher incomes and in higher tax brackets. A flat rebate is worth more to someone on a lower income, in terms of tax and in terms of what comes out of their pocket when they purchase insurance, because the tax deduction would not necessarily be worth it. We all know that when you overlay the purchase of health insurance, it does not reflect income or age. Many, many people who are on low incomes, particularly those on fixed incomes, have long been purchasers of health insurance, and they do it to support access to their doctor of choice. They make a significant contribution to our health system by not joining the queues at public hospitals, because we do not ration by price in Australia. There is no free point-of-entry health service in the world that does not have waiting lists. So people who use their own money and do not join those waiting lists are assisting other people who might not have the means or the ability to purchase private health insurance. They are supporting those people to move faster through the queue.

This government is a strong supporter of Medicare. Medicare and the great success of our health system is the blended public and private provision and the blended sources of public and private funds. It is not the UK National Health Service. What people on the other side of this chamber forget is that the Australian people would never support a national health service. They would never support the approach used in some European nations, which leads to much worse health outcomes, which leads to much longer waiting lists and leads to much less access to health care for all Australian citizens. I commend the bill to the Senate.

Question agreed to

Bill read a second time.
In Committee

Bill—by leave—taken as a whole.

Senator CAMERON (New South Wales) (13:13): I would like to ask the minister a question that the shadow assistant Treasurer, Dr Leigh, could not get an answer to in the Lower House, and that was: why are some movements in this bill in line with changes in the consumer price index while others not?

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:14): I did go through a list of reasons for movements in some thresholds but not others, including the changes that were not taking place for senior and pensioner couples. Was there a specific threshold that you were concerned about?

Senator CAMERON (New South Wales) (13:14): I am interested in why some thresholds are indexed and others are not. It is a fairly simple question. If you do not know the answer, just tell me; that is okay. But there has to be some reason, Parliamentary Secretary, as to why there is different indexation in this bill. It is your bill.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:14): Senator Cameron, I went through reason by reason in my second reading speech, and I am happy to read them out again. In the past, these have not always been indexed; it has been a choice of government. I have covered why senior and pensioner couples were not increased. I have outlined why the thresholds have changed: because of the changes with respect to the carbon tax. So I think I have answered your questions.

Senator CAMERON (New South Wales) (13:15): That is the worst answer that I have heard in a committee for a long time. If, Parliamentary Secretary, you are unaware as to why these indexation changes are different, you should just say so. If you have to go through your second reading speech so that we do understand what the reason is, that is fine; go through it. I am still not clear as to why these indexed changes are different. You put up arguments in what was supposed to be a non-controversial bill before the Senate. This has turned into some ideological rant from Senator Ryan, because of his past linkages to the Institute of Public Affairs. This support for the private sector over any collective position in this country to provide decent health care just beggars belief.

If you are in there running the argument that the private sector is what is so great, then why do people in this country, when they have real health problems, end up in the public health system? Because that is what happens regardless of whether or not you have private health funding. The public health system is the system that makes this country great. It is not the private health system, because, if you are in trouble, you end up in a public hospital. That is why we are so concerned to ensure that the private health system is part of the system, but not at the expense of having a public health system that the public can go to regardless of whether or not they have the money.

I have to say that if people now look at the cost of the private health care that they pay for and what the outcome of that is, under this government, there will be many questioning the value that they get for the hundreds of dollars that they pay every month for private health care. You have turned this into a debate on private health care versus public health care. That is a debate that I am quite happy to have, because as one of many families in this country who are lucky enough to be able to afford private health care and public health care, I know what
happens when my grandkids are really sick. I know what has happened when someone in my family is really sick. They do not go to the private health system to get help; they go straight to the emergency department of the public health system, and that is where they get the support that they need. So the public health system is so important.

I am always amused to hear the extremists on the other side who want to destroy the public health system trying to use this false argument that we are not the American health system and that we are not the British health system; we have this special system. Well, this special system is a system where, if you have money, you can get some help quicker in some areas. But if you are not capable of paying over $100 a week for private health cover then you have to rely on the public health system. That is the public health system that Labor has built over the years. It is the public health system that is so important to the health of disadvantaged people in this community—people that cannot afford $100 a week.

If you want to turn any debate into a debate on health and the importance of the public health system, let us have that debate, because we are up for that debate any time. The public health system is so important. You try and turn non-controversial legislation into an ideological debate based on your views from the IPA; that is fine. Let us have the debate, and let us have the judgement of the Australian public as to how important our public health system is in this country.

When it comes to the changes that you made in your first budget—that cruel budget, and that budget that the Australian public absolutely dismissed as having no relevance to fairness in this country—the public know what you were trying to do. You were trying to disenfranchise some of the poorest people in this country from getting access even to a doctor, by putting on your $7 fee to go and see a doctor. That fee was dismissed on the other side as the price of a cup of coffee. What the other side do not seem to know is that a lot of people cannot afford $7 every time they go to see a doctor. For a lot of families with young kids it is not just the kids that get sick; it is the mum and dad as well. So you add that up, you add the cost of prescriptions and then you see what that does to a working class family's standard of living. These are the issues that are just dismissed by some ideological claptrap from Senator Ryan and the extremists of the coalition. They do not want a public system. When you hear Senator Ryan talk about a balanced system, the balance that he wants is that if you have money then you can get good health care, and if you do not have money then you will get a second-class system. That is the real situation from this mob.

You only have to look at their budgets to understand what they are doing in health. They have cut health funding in this country. They have cut education and they have cut health funding, with $80 billion ripped out of public support for families in this country. They do this on the basis of their ideology and nothing else. They did not do it because it would have kept a decent and efficient health service; they did not do it because it would build a better education system; they did it because of their crazy ideology.

And you have the National Party, whose constituents are predominantly low-paid workers, with many people on welfare—many people on government support. And what do they do? They say nothing. They absolutely say nothing.

Senator O'Sullivan interjecting—
Senator CAMERON: Yes, Senator O'Sullivan, I will lecture you about your incapacity to stand up and represent your constituency in the bush, because you are nothing more than the doormats of the Liberal Party. You do exactly what the Liberal Party want you to do, regardless of whether it results in lower health outcomes for people in the bush and regardless of whether it means that people in the bush suffer financially, or through poorer health outcomes or poorer educational outcomes or higher costs to drive. That is what this mob, the sheep of the National Party, are in there simply capitulating on, day in, day out, to the Liberal Party. It is an absolute disgrace. And I cannot understand why anyone would be voting for the National Party when they have got a complete disregard for their constituency and all they want to do is suck up to the Liberal Party and be the doormats of the Liberal Party. What a pathetic mob they are! The Liberal Party have got complete control over this National Party. They will not stand up for their constituency. And the ideologues, such as Senator Ryan, in the National Party are in there, day in, day out, trying to cut away at the support systems for working people in this country. They want to attack their wages and conditions. They want to reduce Medicare. They want to make sure that the education system is based on what you can pay, so that, if you are the son or daughter of a rich family on the North Shore, you will get a good education, but if you are the son or daughter of a cleaner in the western suburbs of Sydney, you can please yourself. That is the position this mob adopt. We should never forget it. We have only got to look at the budgets that they put in place—budgets that absolutely screwed working people and working families into the ground. That is why they have gone from being, at one minute, a party of austerity—a party that was going to balance the budget; a party that was all about fiscal responsibility—to, when the Australian public said, 'We are not accepting this,' becoming Keynesians: they want to put money in to stimulate the economy! Nobody knows what this mob are about. But what we do know is: we do know that

Honourable senators interjecting—

The TEMPORARY CHAIRMAN: Order! Senator Cameron, please resume your seat. The volume of interjections from a very small participant chamber is far too high. Can we please keep it down.

Senator Ryan: Mr Temporary Chairman, I rise on a point of order. I appreciate Senator Cameron's being wound up and having to have his fun, but can we at least mention the words 'health' or 'Medicare' at least every few minutes?

The TEMPORARY CHAIRMAN: There is no point of order.

Senator CAMERON: I have been handed up Minister Frydenberg's speech in the House, and what he says is that the bill:

... amends the Medicare Levy Act 1986 to increase the Medicare levy low-income thresholds for singles, families, single seniors and pensioners in line with increases in the consumer price index.

He then goes on to say that it is not proposed that the threshold for seniors and pensioners in couples will be increased 'at this time'. There is no explanation—absolutely no explanation—there, and nothing that you said, Senator Ryan, in your speech, went to that issue and explained that issue. You were too busy going through your ideological spin and your ideological issue of the day. So maybe you could come back and actually tell us why it is not proposed that the threshold for coupled and senior pensioners will be increased at this time. Why can you not explain the issue that we are concerned about?
Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:27): I think I actually said this before: the reason, Senator Cameron, is that this threshold as it is will remain sufficient to ensure that those eligible will not be liable for the Medicare levy when they are not otherwise liable to pay income tax. I am happy to be corrected by the Hansard, but I think they are the words I read out previously. So you could have listened the first time.

I am not going to take the Senate's time by responding to Senator Cameron in great detail, other than to urge people who had the misfortune to listen to it or who will have the misfortune to read it to refer to the previous speech where I actually talked about the strength of the Australian public health system and the support for that from the private sector, and the blended provision and funding. I am not sure what speech Senator Cameron heard, because I am a strong supporter of the public health system. The examples he mentioned, everyone can relate to. We have all taken a child or a family member to a public hospital. I might also add, though, that, in our larger cities at least, you can turn up to private hospitals—and I know people do; I have done it myself—and you can actually pay a substantial amount out of your pocket to get treated. I do not want to vilify those people who do, because those people are not in the queue at the Royal Children's Hospital or at the Royal Melbourne, and if that facility was not open then that is where they would be. So I do not attack those people. Those who have the ability to do so should, by all means, be allowed to. We should be protecting our public hospitals and ensuring that they can actually service the needs of as many people as possible.

Senator Cameron, I must have hit a raw nerve there—I seem to do this occasionally when I bring up the NHS—and I cannot help but think that certain people on that side have a dream of one day turning Medicare into the NHS. I say now that the Medicare system this country has—which delivers some of the best health outcomes in the world and which I am a strong supporter of, including of the Medicare system—depends on something, and that thing is partly its linchpin: that there is both public and private provision and public and private funding. That is actually what makes it so effective—as well as, I might add, reforms that were contentious ones, like case-mix funding, which, I would note, the previous Labor government adopted on a national basis. But I was actually working for the Kennett government when they were introduced, and they were not supported by the other side of politics then. I am glad that, a dozen years later, the Labor Party saw the wisdom of those changes, and I hasten to add that the IPA—which does not stand for India Pale Ale—the Institute of Public Affairs, of which I am a member, will once again be happy for your free ad, Senator Cameron.

Bill agreed to.
Bill reported without amendments; report adopted.

Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:31): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Superannuation Guarantee (Administration) Amendment Bill 2015
Second Reading

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

Senator CAMERON (New South Wales) (13:31): I am pleased to make a contribution to the debate on the Superannuation Guarantee (Administration) Amendment Bill 2015 and advise the Senate that Labor will be supporting this legislation. This bill amends the Superannuation Guarantee (Administration) Act 1992 to remove the obligation for employers to offer a choice of superannuation funds to temporary resident employees or when superannuation funds merge. Currently, employers must give a standard choice form to employees within 28 days of them beginning employment. Already, many temporary resident employees do not exercise choice of fund or complete the choice of fund form and are therefore placed in the employer's default fund. Also, under current arrangements, employers may be required to give employees a standard choice form when the employees' superannuation benefits are transferred from a chosen fund or default fund to a successor fund under a fund merger arrangement.

Under the new arrangements in this bill, employers are not required to give employees a standard choice form if they hold a temporary visa, as defined by the Migration Act 1958. These new arrangements will capture New Zealand citizens, even though they can generally stay in Australia indefinitely. The bill will reduce cost and compliance burdens on employers, mainly small businesses, who hire people on temporary visas by removing the requirement to provide them with choice of fund forms. Importantly, employers will still be required to make superannuation guarantee payments on behalf of their employees, and employees will still be able to choose their own fund if they wish.

Labor welcomes these measures to reduce cost and compliance burdens that largely fall on small business because Labor supports reducing costs on small business. Labor will support these changes as they reduce compliance costs for small business and, importantly, do not reduce an employer's obligation to make superannuation guarantee payments for their employees.

Pursuant to the resolution of the Senate of 13 May 2015 referring the provisions of time critical bills to legislative and general purpose standing committees for inquiry and report, the Senate Economics Legislation Committee considered the provisions of this bill. By unanimous decision, the committee determined that there are no substantive matters that require examination.

Given the effect of this bill will be to reduce compliance burdens on business, it is worthwhile to recall some aspects of Labor's record on reducing red tape. For example, when Labor was last in government we repealed 16,794 acts and regulations. Under the seamless national economy reforms carried out by the former Labor government and conducted largely through processes of the Council of Australian Governments, or COAG, just the first 17 reforms reduced business costs by $4 billion every year. Our commitment in government to continually reduce regulation was considered part of the normal operations of what a government does.
In 2008, under Labor, the COAG agreed to implement regulation and competition reforms under the National Partnership Agreement to Deliver a Seamless National Economy. Thirty-six separate reforms were covered by this national partnership, comprising 27 deregulation priorities, eight areas of competition reform and a reform to regulation making and review processes. As of July 2012, 17 of the deregulation priorities and three of the competition reforms were complete. Then, in May 2012, the Productivity Commission assessed 17 of the seamless national economy reforms in its report, *Impacts of COAG reforms: Business regulation and VET*. The Productivity Commission suggested that the 17 reforms that it modelled could increase GDP by around 0.4 per cent—that is over $6 billion—per year and reduce business costs by around $4 billion per year.

A very good reform example of this was the Standard Business Reporting, or SBR, which commenced on 1 July 2010. It offered Australian businesses, accountants, bookkeepers and tax agents a quicker and simpler way to lodge reports with government. The Productivity Commission estimates $500 million of potential benefits from this reform over nine years. SBR simplifies business-to-government reporting by removing unnecessary or duplicated information from government forms, using business software to prefill forms automatically with relevant information, providing an electronic interface to report to agencies directly from accounting software and providing a single, secure sign-on for online users.

It was the former Labor government that introduced the national business names registration service for a single online registration process, removing the requirement for small business to register in each state or territory and lowering the cost to business from over $1,000 for each registration in each jurisdiction to under $100 for a single national registration. It was also the former Labor government that introduced the superannuation clearing house, enabling small businesses to pay all their employees' superannuation contributions to a single location.

This bill is a timely opportunity to remind the Senate that Labor created Australia’s compulsory superannuation system. We built our superannuation system for the same reason we champion a fair pension: we believe dignity and security in retirement is something due to all Australians. We will take responsibility for making sure that superannuation is sustainable and fair—a national retirement saving system for the many, not a tax haven for the few.

We are reminded that the record of the Prime Minister and this government on superannuation is poor. Since coming to office, the coalition has done everything possible to undermine superannuation. The government has frozen compulsory contributions and wound back concessions for the lowly paid. The coalition has done untold damage to the current system, which leaves us less prepared for the demographic challenges that are building. Let me remind the Senate that this government's delay in the increase in the superannuation guarantee will reduce our savings pool by $45 billion over seven years alone. The government has also scrapped the low-income superannuation contribution, which provided a modest amount of support for those on lower incomes. Despite this government's poor record on superannuation, Labor is pleased to support sensible measures and therefore supports the bill.

**Senator Ryan** (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:39): This bill implements the government's commitment to cut the superannuation compliance costs for small businesses. The bill reduces red tape for small business by simplifying when a standard choice form has to be offered by an employer.
Employers will no longer have to provide a standard choice form to a temporary resident within 28 days of the employee starting the job. This change simplifies the choice regime for businesses and will be especially beneficial for employers that are relying on large numbers of temporary residents for seasonal and intermittent work.

Another key change the bill makes to the superannuation guarantee regime is that employers will not need to re-offer a standard choice form to an employee if their superannuation fund merges with another fund. This is an unreasonable obligation on employers that many may not be aware of. Importantly, the bill will not remove any employee's right of choice. Whether an employee is a temporary resident or an employee whose fund has merged, they will still be able to nominate a fund they wish their contributions to be sent to, and employers must honour that choice. Removing these requirements simplifies the superannuation guarantee regime. Because of the government's measure to reduce red tape employers will no longer risk liability for the choice shortfall penalty if they do not provide a choice of fund form in these two circumstances. I thank senators for their contributions, and I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (13:40): 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) (13:40): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Private Health Insurance (National Joint Replacement Register Levy) Amendment Bill 2015

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator McLUCAS (Queensland) (13:41): The Private Health Insurance (National Joint Replacement Register Levy) Amendment Bill 2015 is about the national joint replacement register. I rise to indicate the Labor Party will be supporting this legislation. The National Joint Replacement Registry collects data on the implantation of prosthetic joint replacement devices. It reports on the performance of those devices and any revisions that are required. Revisions are procedures involving the replacement or repair of a prosthetic implanted device. Of course, if that circumstance comes about then there has been a problem.

The work of the registry improves health outcomes for many Australians. The learning that we have gained has reduced the rate of revisions of transplanted prosthetic joints, and for that reason it has been remarkably successful. For some people, revisions require a large amount
of time in hospital for recovery. They are generally more complex and more expensive, largely because they involve opening the old wounds from when the device was originally implanted.

The registry assists in getting better outcomes by tracking implantations and by providing analysis of the best devices to use in the special and unique circumstances of different patients. By avoiding revisions we get a better outcome for patients and a better outcome for public health finances.

The registry provides invaluable post-market surveillance of joint replacement prosthesis. Because of the registry we know, for example, that replacing the joint surface of a kneecap during a knee replacement lowers the rate of revisions. What works for one class of patient may not work for another. We have learnt this from having the registry. Resurfacing will work for patients with osteoarthritis but does not appear to reduce the rate of revisions for those with rheumatoid arthritis.

The registry informs clinicians of the best and most appropriate procedure for particular uses. It ultimately saves the system a lot of money, but, more importantly, it improves the outcomes for patients, particularly by assisting in reducing the rates of revision.

The registry required funding certainty in order to operate properly, which is why, in 2009, the Labor government, with the support of the then Liberal-National opposition, applied a levy on device sponsors. This ended years of ad hoc funding arrangements with industry and with government. The measures implemented by Labor in 2009 have meant that stable funding for the critical work of the registry is ensured, and it also ensures that it can continue to provide data to improve patient outcomes into the future. We are pleased to see the government's ongoing support for the registry and the levy which underpins it.

The feedback we have received on this bill from stakeholders shows it has broad support. So, Labor is pleased to support the ongoing work of the registry and will support this bill, which will see a change in the way the levy is calculated and applied to device sponsors.

Device utilisation and the value of the prosthetic device will now play a greater and determining role in the way that the levy is calculated. The changes proposed by the government will result in increased activity. The levy will therefore raise an additional $600,000 over the next four years to facilitate this, commencing with $100,000 this year and $200,000 for the following two years. Labor will of course watch with interest whether the government has got this setting correct. The levy must raise enough funds for the Australian Orthopaedic Association to effectively run the registry, which supports improved quality of care for patients.

Whilst we absolutely support this legislation, we do have legitimate reasons to raise doubts about the government's competence on matters of health policy. In less than two years, the government have sent into chaos a system which is studied and envied by countries right across the world. The headline cuts that we have seen include $57 billion cut from health and hospitals last year and another $2 billion cut from health services this year; and we have, according to the AMA, a GP tax by stealth through the freezing of the Medicare rebate, forcing doctors to charge up-front and above-schedule fees—and those are just the headline cuts.
Labor support the sensible measures that are contained in this legislation, but we do reject the chaotic approach by this government when it comes to health policy.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:46): I thank senators for their contribution and I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (13:47): 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) (13:47): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Crimes Legislation Amendment (Penalty Unit) Bill 2015

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator McLUCAS (Queensland) (13:47): The measures in the Crimes Legislation Amendment (Penalty Units) Bill are not controversial and modernise existing legislation. Labor are committed to cracking down on serious crime and deterring unlawful behaviour, and we support this bill as contributing to those objectives.

The bill amends the Crimes Act 1914 to increase the amount of the Commonwealth penalty unit and provides that the amount will be automatically adjusted every three years in line with inflation. 'Penalty units' are used to describe the amount payable for monetary penalties imposed for criminal offences in Commonwealth legislation and territory ordinances. Commonwealth penalties are generally expressed in terms of penalty units, rather than specific values, to assist with the adjustment of penalties across the Commonwealth statute book. The amendments in this bill increase the Commonwealth penalty unit amount from $170 to $180 and provide a mechanism for the amount to be indexed every three years according to CPI.

The penalty unit mechanism allows the maximum monetary penalty for all offences under Commonwealth law or territory ordinances to be automatically adjusted with a single amendment of section 4AA of the Crimes Act. This removes the need for multiple legislative amendments and ensures that monetary penalties in Commonwealth legislation and territory ordinances remain comparable.

Maintaining the value of the penalty unit over time ensures that financial penalties for Commonwealth offences keep pace with inflation. When the penalty unit was first introduced in 1992, its value was set at $100. This value was adjusted over time, in 1997 and in 2012,
and both increases were made in line with changes to the CPI. The 2015-16 budget included this measure to increase the value to $180 with effect from 31 July 2015. The budget measure also provided that the government would introduce ongoing automatic indexation. Indexation will occur on 1 July every three years, with the first indexation in July 2018.

Labor want to ensure that the courts have the ability to impose appropriate penalties to deal with serious offenders and organised crime. We need to consistently send the strong message that crime does not pay and, therefore, we support this increase and the mechanism to index the amount every three years according to CPI.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:50): I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (13:47): 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) (13:51): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Personal Property Securities Amendment (Deregulatory Measures) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator KIM CARR (Victoria) (13:51): I intend to be very brief on this matter. This bill makes a small amendment to the Personal Property Securities Act passed by the Labor government in 2009 and, as a consequence, the Labor Party will be supporting this measure.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education and Training) (13:52): Thank you, Senator Carr, for that contribution. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator O'Neill) (13:52): As no amendments to the bill have been circulated, I 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) (13:52): I move:

That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Defence Legislation (Enhancement of Military Justice) Bill 2015
Second Reading

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

Senator KIM CARR (Victoria) (13:53): I intend to be brief. The Defence Legislation (Enhancement of Military Justice) Bill continues the bipartisan approach to reforming the military justice system that has been pursued by successive governments. This bill implements a number of recommendations from defence reviews and reports, importantly to create service offences for assault and inappropriate use of Commonwealth credit cards, and it also reactivates outstanding legislative proposals which deal with other additions, which are of course routine in their nature. The bill more generally goes to the ever evolving and more open culture of the Australian Defence Force, and continues the ongoing process of reform of military justice and defence personnel administrative processes. The Labor Party will be supporting these measures.

Senator LAMBIE (Tasmania) (13:54): I rise to speak on the Defence Legislation (Enhancement of Military Justice) Bill 2015. As you may be aware, I served in the Australian Army as a military police officer and worked within the Australian military justice system. I am aware of its good parts and its failings. I am happy to support this legislation because I believe overall it will improve the system of military justice. However, I maintain that in order to truly reform Australia’s military justice system, which has failed tens of thousands of victims of abuse since at least the 1960s, a royal commission into defence abuse must be established. The perpetrators of abuse must be held to account, and the victims must have a chance to tell their stories and receive justice. Importantly, those who covered up and turned a blind eye to crimes must all be held to account for their dereliction of duty. The lessons that we will learn during this painful but necessary royal commission process will ensure that, eventually, the best soldiers in the world will have the best military justice system in the world. There are some specific concerns I have received from the Defence community in relation to this legislation, which I will speak to shortly.

I now turn to a short summary of the Defence Legislation (Enhancement of Military Justice) Bill 2015. In summary, these measures will: clarify the character and status of service convictions for Commonwealth purposes; remove the provisions in respect of the trial of old system offences, offences under the law prior to the DFDA; create a service offence of 'assault occasioning actual bodily harm'; create a service offence of 'unauthorised use of a Commonwealth credit card'; clarify the elements of the service offence of 'commanding or ordering a service offence to be committed' under section 62 of the DFDA; enable the fixing of non-parole periods by service tribunals to overcome the problems associated with recognisance release orders; correct a technical error in the charge referral process; correct a technical error in the discipline officer scheme; replace dollar amounts as maximum fines in the DFDA with the more contemporary penalty units system; statutorily recognise the Director of Defence Council Services, DDCS; and extend the period of appointment of the current CJA and full-time judge advocate.
As I foreshadowed, I have received some feedback and concerns from the defence community that I would like the minister to investigate and take on board. I am going to protect the identity of the person who sent me a very well written letter, for obvious reasons. It reads as follows:

Dear Senator Lambie, I wish to raise with you a number of concerns regarding the Defence Legislation (Enhancement of Military Justice) Bill 2015, particularly Schedule 2 in relation to the Director of Defence Counsel Services, which is to be an amendment of the Defence Act 1903.

As you are probably aware, the main function of the Directorate of Defence Counsel Services … is to arrange legal assistance and representation for accused ADF members who are facing a Court Martial or a Defence Force Magistrate trial.

This is achieved by using Reserve Legal Officers (RLOs) who are outside the chain of command. Unlike the other two arms of the military justice system, namely the Office of the Director of Military Prosecutions and the Registrar of Military Justice/Office of the Judge Advocate General … the DDCS has never been statutorily independent and in fact up until March 2014, remained within the chain of command and reported directly to the Director General ADF Legal Service and through him to Head Defence Legal (HDL).

In March 2014 the Chiefs of Service Committee agreed to implement recommendations that came out of a number of reports, including HMAS Success, that DDCS should not be within the chain of command. As such, Directorate of Defence Counsel Services or DDCS was moved to report directly to the Chief Operating Officer (COO) (now renamed to be the Associate Secretary and Defence Legal … in fact reports to him as well), with the National Practice Manager and his area “hosting” DDCS for administrative purposes (such as budgets, staffing, signing off on the Director’s leave and travel etc).

Whilst the Deputy Director initially had … (Chief Operating Officer) as his second line supervisor, this was altered by HDL so that … (Head Defence Legal) is the second line supervisor.

DL (Defence Legal) has always been reluctant to completely let go of … (Directorate of Defence Counsel Services) and the present Bill is designed to placate a growing number of calls, particularly by … (Reserve Legal Officers), the staff of DDCS and others, that it is not reasonable to have the one arm of the military justice system that attempts independently to look after the interests of the members outside the chain of command not be statutorily independent.

The Bill gives statutory recognition which in effect does little to enhance the perceptions of a decreasing control by the chain of command.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Australia Council

Senator JACINTA COLLINS (Victoria) (14:00): My question is to the Minister for the Arts, Senator Brandis. I remind the minister of his decision to cut over $100 million from the Australia Council to fund his own personal arts slush fund. Can the minister confirm that he has not met with the 60 representatives of arts organisations in Parliament House today?

Senator Fifield interjecting—

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:00): Senator Fifield, be silent. Mr President, I am delighted that for the first time, I suspect, ever the first question in question time is about arts funding. The Abbott government has such a wonderful
story to tell about arts funding. We of course live in straightened fiscal circumstances, there is no doubt about that, as a result of the legacy of Australia's worst ever finance minister. Nevertheless, in this year's budget, once again, arts funding was protected. The same amount of funding that was available has been continued into the same year. Not a dollar has been taken away, not a dollar. But what we have done is that we have moved some 13 per cent of the funding that was paid for the arts through the Australia Council into a new program, the National Program for Excellence in the Arts. The reason for that is that there are some—

Senator Moore: Mr President, I rise on a point of order on direct relevance to the question, though I do take the point that the minister is talking about the publicity. The question specifically asked whether he had met with the 60 representatives of the organisations in Parliament House today. I hope the minister would get to that question.

The PRESIDENT: In relation to the point of order, the preamble from Senator Collins did mention the money cut from the arts funding. The minister has been addressing that point of the question. He still has half his time left to get to the second point in the question. I take your point, Senator Moore.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:02): I just want to make the point, to correct the misleading assertion in the question, that there has been a reduction in arts funding. There has been no reduction in arts funding whatsoever. But 13 per cent of the funding that was available through the Australia Council is now being channelled through the National Program for Excellence in the Arts.

Time is on the wing, so I will come directly to your question, Senator Collins. I have as a matter of fact not an hour ago met with representatives of AMPAG, the Australia Major Performing Arts Group, which represent the 28 most significant performing arts organisations in the country—and I was joined at that meeting by my colleague the foreign minister, Julie Bishop, because we now have a foreign minister who also takes an interest in the arts—and I cannot tell you how enthusiastic they were about the National Program for Excellence in the Arts.

Senator JACINTA COLLINS (Victoria) (14:03): Mr President, I ask a supplementary question. To correct the minister's understanding of my last question: it was about cuts to the Australia Council, which have indeed occurred. I ask the minister can he confirm that in addition to not meeting with the broader arts sector representatives here today, he did not consult with the sector before announcing this $104.7 million cut to the Australia Council budget?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:04): Senator, I have to correct you again: it was an offset. The money is available to the same organisations if they want to apply for it. But I am told that one of the arts companies that came to Parliament House today, this one I did not meet with, is a theatre company called Red Stitch, whose patron is Mr Anthony Adair. This is what Mr Anthony Adair wrote in the magazine Policy some years ago, 'The concept of peer group assessment is seriously flawed.' He went on to say, 'Control over funding for the arts should rest with the elected politicians and not with the Australia Council.'
Senator Jacinta Collins interjecting—

Senator BRANDIS: It is a representative of one of the organisations that you have instanced. I do not necessarily agree with that sentiment; I think most of the funding should go through the Australia Council and 87 per cent of it—

The PRESIDENT: Pause the clock.

Senator Moore: Mr President, I rise on a point of order, again, on direct relevance. The actual question was about consultation with the sector before the announcement of the changes in the budget.

The PRESIDENT: I will remind the minister of the question. He has seven seconds in which to answer.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:05): I consult with the sector all the time and I can tell you, Senator Collins—(Time expired)

Senator JACINTA COLLINS (Victoria) (14:05): Mr President, I ask a further supplementary question. Can the minister confirm that the Australia Council was told of the cuts just hours before the announcement? How many small to medium arts organisations will lose funding as a result of the minister's decision to strip funding away from the independent, peer reviewed Australia Council and funnel it into his own slush fund?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:06): Well, Senator Collins, as is the case with most budget decisions, in fact the normal and orthodox practice, the body concerned was advised on the day of the budget; in fact, in this particular case late on the afternoon of the budget. In relation to the question of how many arts organisations will lose funding, more arts organisations will have the opportunity for funding through the National Program for Excellence in the Arts. If you knew anything about this sector, Senator Collins, which you plainly do not, you would know that the constant complaint that I have heard as the arts minister now in two Australian governments are complaints about people who feel shut out from the Australia Council process. They have constantly said to me, 'We need an alternative funding channel,' and that is what we have given them.

Economy

Senator IAN MACDONALD (Queensland) (14:07): I have a serious question for Senator Cormann. It is a question that has not been asked previously at estimates like the previous question had been. My question to Senator Cormann is in his role representing the Treasurer, who as we all know is the minister for growth and a better economy. I ask the minister to tell the Senate about the government's plans for stronger growth, investment and jobs in the north of Australia.

Senator CORMANN (Western Australia—Minister for Finance) (14:07): I thank Senator Macdonald for that question. In doing so, I acknowledge his many, many years of strong and effective advocacy for the people and communities of the north. The government today has released our plan for developing northern Australia. There is, in the government's assessment, significant and very exciting untapped potential in our North. Northern Australia, of course, already makes a very significant contribution to our economy.
Just one million people live in about three million square kilometres across northern Australia. There are communities from Townsville to Cairns to Darwin to Broome to Karratha. Those one million Australians are responsible for more than half of our sea exports out of Australia. Just 60,000 people in the Pilbara of Western Australia are generating national income for Australia that is in excess of the income generated by 119 countries around the world. Sixty thousand Australians in the Pilbara are generating more income than that which is generated by 119 countries around the world.

We believe that we can do better. We believe that there is great opportunity for the great North of Australia to contribute even more strongly to Australia's economic growth and prosperity. That is why the government is making an unprecedented investment in our future success and in the future success of families and businesses across northern Australia through our northern Australia white paper. I congratulate Senator Macdonald for the contribution he has made in putting that plan together. We have set out an ambitious, long-term reform agenda with actions to unlock the North's full potential across six key areas: simpler land arrangements to support investment, developing the North's water resources, growing the North as business trade and investment gateway— (Time expired)

Senator IAN MACDONALD (Queensland) (14:10): Mr President, I ask a supplementary question. I thank the minister for his response, but I am wondering if the minister might be able to continue to tell the Senate of some of the more specific measures by which the government will drive stronger business, trade and investment in our great North.

Senator CORMANN (Western Australia—Minister for Finance) (14:10): The government will make an initial $1.2 billion investment in additional growth opportunities across northern Australia, which comes on top of the $5 billion northern Australia infrastructure facility that was announced in the budget. It comes on top of about $5 billion that the government is already investing in transport in infrastructure across northern Australia.

To fast track growth in North, the government will also help business to enter new markets and supply chains by increasing access to the Entrepreneurs' Infrastructure Program and the Industry Skills Fund. A new $75 million cooperative research centre will boost northern focused research. To boost opportunities for Indigenous workers and businesses, the Commonwealth government we require Indigenous procurement targets for all road projects funded through this white paper. Despite these measures, we understand that there are likely to be remaining shortages in some sectors and that is why we are making some changes to working holiday migrant visa programs as well. (Time expired)

Senator IAN MACDONALD (Queensland) (14:11): Mr President, I ask a further supplementary question. I appreciate that the minister has a lot to tell us about. I am wondering if the minister could also indicate how government reforms will bring down the cost of running a business in northern Australia and make it an even more attractive place to work and invest in.

Senator CORMANN (Western Australia—Minister for Finance) (14:11): This white paper cuts red tape. By cutting red tape, we are bringing down the cost of doing business. For example, we are working with the Northern Territory government on the establishment of a single point of entry for investors in major projects to help them through all regulatory hurdles. We will remove excessive regulatory burdens by streamlining and simplifying
cultural, heritage and fishery and wildlife trade regulations and by supporting northern industries, including fisheries and crocodile trade. We will streamline the recognition of occupational licences from other jurisdictions, improving labour mobility into northern Australia.

The North will never reach its full potential without secure, tradable titles to land and water. So much of the North is Crown land that is held under state and territory pastoral leases and pastoral leaseholders are generally unable to use their land for activities other than grazing, such as horticulture or tourism. The government will support their work with willing communities and jurisdictions to pilot land reform projects, targeting practical next steps for projects that demonstrate the benefits of land reform. (*Time expired*)

**National Security: Citizenship**

**Senator WONG** (South Australia—Leader of the Opposition in the Senate) (14:12): My question is to the minister representing the Prime Minister, Senator Brandis. I refer to the cabinet revolt over the Prime Minister's plan to strip Australian citizens of their citizenship and the Prime Minister's refusal to confirm that a full cabinet submission has gone to cabinet.

*Senator Cormann interjecting—*

**The PRESIDENT:** Order!

**Senator WONG:** Can the minister confirm that the plan—

*Government senators interjecting—*

**The PRESIDENT:** Order on my right.

**Senator WONG:** I will repeat the question. I refer to the cabinet revolt over the Prime Minister's plan to strip Australian citizens of their citizenship and the Prime Minister's refusal to confirm that a full cabinet submission has gone to cabinet. Can the minister confirm that the plan to strip Australian citizens of their citizenship was not made on the basis of a full cabinet submission, including legal advice?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:14): Senator Wong, you do speculate a lot and erroneously about process. It is rather—I am bound to say—like hearing Satan denouncing sin to be lectured by you about proper cabinet process.

**Senator Wong:** Mr President, on a point of order: do you think, Mr President, that making an allusion to Satan is parliamentary? Come on.

**The PRESIDENT:** I do not think that is unparliamentarily, but I will advise the minister and remind the minister of the question.

**Senator BRANDIS:** If it hurts your feelings, I withdraw it. Senator Wong, we have been witnessing with fascination on the ABC for the last two Tuesday nights what proper cabinet process was for the government of which you were a member—a litany of chaos and dysfunction that went on for six years. The Abbott government, by contrast—

**Senator Wong:** Mr President, I rise on a point of order. I asked one question: can the minister confirm that the plan to strip Australian citizens of their citizenship was not made on the basis of a full cabinet submission, including legal advice? That is the only question I asked. I ask that you request that the minister return to the question and be relevant.
The PRESIDENT: I will remind the minister of the question. He has one minute and 25 seconds in which to answer it.

Senator BRANDIS: I was about to say, unlike the chaos and dysfunction which characterised the cabinet of which Senator Wong was a member, all decisions by the Abbott government are made through an orthodox and proper cabinet process—every single decision.

Since you raised the matter about what we propose to do about dual citizens who are engaged in terrorist conduct, yes, you are right, Senator Wong. As the Prime Minister has announced, we will be introducing legislation next week to strip dual citizens of their citizenship in circumstances in which they are engaged in terrorism. We look to the Labor Party, from whom we have had uncertain signals, to support us. We look to the Labor Party to support us because this ought to be bipartisan. Australian governments and opposition parties ought to join together to take all appropriate measures to keep Australians safe. Rather than playing politics with national security, Senator Wong, rather than engaging in ill-informed and erroneous questions about process, get behind the objective.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:17): Mr President, I have a supplementary question. I refer to the Prime Minister's confirmation that the final legislation to strip citizenship from dual Australian citizens will not be considered by the full cabinet. Does the Prime Minister mistrust his cabinet colleagues so much that he is planning to bypass his cabinet and go straight to the party room?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:17): National security legislation, like all legislation, has been and always will be considered—

Senator Wong interjecting—

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

Senator BRANDIS: Mr President, I cannot even hear myself speak for the braying interjections coming from the Leader of the Opposition in the Senate.

Senator Wong: Malcolm Turnbull is a better lawyer than you and you are scared—

The PRESIDENT: Senator Wong, you have asked your question. Minister, you have the call.

Senator BRANDIS: All legislation—

Senator Wong: Malcolm is a better lawyer than you and you want to avoid the cabinet.

Senator BRANDIS: Mr President, I cannot even hear myself speak for all the yelling out from Senator Wong.

The PRESIDENT: Order! Senators on my left and on my right are not facilitating the smooth flow of question time. Just as the questioner is entitled to be heard in silence so is the minister.

Senator IAN MACDONALD: Mr President, I rise on a point of order; it is really a request. Can you ask the broadcasting people to please turn up the sound on Senator Brandis's microphone because I am sitting this close to him and I cannot hear his answer over the constant shouting of the Leader of the Opposition in the Senate.
The PRESIDENT: If all senators exercise restraint and do not interject, we will be able to hear the minister.

Senator BRANDIS: As I was trying to say, all legislation, including legislation in relation to national security, will be considered by an orthodox cabinet process. This legislation is no different.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:19): Mr President, I have a final supplementary question. I refer to the Prime Minister's promise: 'Cabinet government and the Westminster tradition will always be maintained under my prime ministership.' With the Prime Minister bypassing his ministerial colleagues and his cabinet, and with his cabinet leaking like a sieve, can the Minister representing the Prime Minister advise when Mr Abbott decided to junk this promise too?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:20): Senator Wong, I know you like scoring political points on national security issues, but I am not going to let you get away with it. This is legislation which was considered after an orthodox process. It will be introduced next week. This will be a test for the Australian Labor Party—whether they support the Australian government's attempts to keep our country safe. We are not encouraged, I might say, by some remarks that came from the shadow Attorney-General at a press conference this morning when asked about this legislation. He was asked by Kieran Gilbert:

So, someone who is fighting in Al-Raqqah in Syria?
Mr Dreyfus replied:
Well, you get them back here. Right?
Get them back—that is what the shadow Attorney-General would do. That is the point of difference. If somebody is fighting for ISIL in Syria, we do not want them back and we will make sure they do not get back. But Mr Dreyfus wants them back.

Trade

Senator WHISH-WILSON (Tasmania) (14:21): My question is to the Minister representing the Minister for Trade and Investment, Senator Payne. One of the biggest and most controversial issues in US politics at the moment is providing authority to President Obama to fast track the Trans-Pacific Partnership Agreement through Congress. Right now the US Congress is having a robust, democratic debate about the importance of parliamentary oversight in such agreements. Under Australia's treaty process, this same deal is automatically set up for fast track through our parliament after signing by cabinet.

Senator Ian Macdonald interjecting—

Senator WHISH-WILSON: Wait for it, Senator Macdonald; here it comes. When will the minister comply with this Senate's previous order for production of documents and release the final text of the Trans-Pacific Partnership Agreement so parliament and the Australian people can scrutinise this secret deregulation agenda prior to signing by cabinet?

Senator PAYNE (New South Wales—Minister for Human Services) (14:22): I thank Senator Whish-Wilson very much for his question. As to the circumstances in the United
States, the Minister for Trade and Investment, Minister Robb, has spoken at some length about this and indicated that it is a circumstance of—

Honourable senators interjecting—

Senator Brandis: Mr President, on a point of order: I understand that this is a robust chamber, and interjections, although disorderly, are not unknown. But there is a difference between interjections and Labor frontbenchers, including the leader, yelling at members of the government while they are trying to answer questions, and I would ask you to enforce the standing orders.

Honourable senators interjecting—

The PRESIDENT: I ask all senators to come to order.

Senator PAYNE: I do thank Senator Brandis for that intervention. But the day I need protection from Senator Carr will be the day I am scared by a limp lettuce leaf! As I was saying in relation to the developments in the United States, which Senator Whish-Wilson referred to in his question, these are always a matter of great cut and thrust in both domestic and international politics. The circumstances in the United States are no exception from that exercise, the highly political exercise, of cut and thrust that is associated with these matters.

The trade and investment minister here in Australia, Mr Robb, has gone to great lengths to engage with members of the parliament, including extending an offer to Senator Whish-Wilson—an offer which was taken up by other senators and other members of the parliament in this chamber—to view the material that is available in relation to the Trans-Pacific Partnership. Others in the parliament have taken that up. I understand Senator Whish-Wilson chose not to. That is, of course, his choice and a matter for him and a matter for the Greens. It is not a matter for the government. The government made the offer. It was not taken up by Senator Whish-Wilson. There are other members who did avail themselves of the opportunity. We of course remain hopeful that the relevant legislation will ultimately pass, which will provide the momentum we need to conclude the negotiations. The trade minister has made that quite clear—and I reiterate his remarks.

Senator WHISH-WILSON (Tasmania) (14:25): Mr President, I ask a supplementary question. I have children and I know not to reward bad behaviour! When John Howard excluded investor state dispute settlement clauses from the US free trade agreement, Mark Vaile said

We do not believe that [ISDS] is necessary in an agreement between two highly developed economies with very transparent legal systems …

The coalition government has recently agreed to ISDS provisions with Korea, China and the US via the TPP. Have you included ISDS because you now believe the legal systems of China, Korea and the US are not of sufficient standards to allow Australian companies to invest there? (Time expired)

Senator PAYNE (New South Wales—Minister for Human Services) (14:26): The engagement in relation to ISDS by this government and, in fact, by previous governments is nothing new. We do not intend to sign up to any rules that are against the national interest and that are not fair and equitable to all Australians. ISDS itself is not new. We currently have ISDS arrangements with 29 economies. Four of those are FTAs; 21 are investment treaties. We have always said that we will consider ISDS on a case-by-case basis, which we are now
doing. As I understand it, in August 2014 the Senate Foreign Affairs, Defence and Trade Legislation Committee agreed with the case-by-case approach for the inclusion of ISDS in free trade agreements—a case-by-case approach.

The views of a number of commentators on this matter are curious; some would describe them as rankly hypocritical—but I will leave that to commentators elsewhere. We have had the ISDS opposed even by the Labor Party, notwithstanding the fact that, when they signed the Australia-Chile FTA—(Time expired)

Senator WHISH-WILSON (Tasmania) (14:27): Mr President, I ask a further supplementary question. Debate in the United States is also currently focused on the trade adjustment assistance package to support workers who lose out from trade agreements. The model you released yesterday said your three partnership agreements will cause manufacturing output in Australia to decline by around $4 billion. This would include declines in Australian manufacturing of metal products, transport equipment, electronic equipment and machinery. When you pass ChAFTA with the help of Labor, will you institute a structural adjustment package to support thousands of Labor's manufacturing workers who will lose their jobs as a result of this agreement? (Time expired)

Senator PAYNE (New South Wales—Minister for Human Services) (14:28): Again, I thank Senator Whish-Wilson for that question, which I think means we have moved on to ChAFTA from the Trans-Pacific Partnership, so it is not exactly a supplementary. As I indicated yesterday, the China-Australia Free Trade Agreement is an extraordinary opportunity for this country—an extraordinary opportunity to develop the growth of our goods and services and their distribution internationally that would never have been possible without the work of this government and the trade and investment minister, Andrew Robb. It would never have been possible, because those opposite did nothing in this area—

The PRESIDENT: Pause the clock.

Senator Whish-Wilson: Mr President, I rise on a point of order. My question was clear. I wanted to know if the government is considering a trade adjustment assistance package, like in the US, to compensate workers who will lose their jobs from these trade deals.

The PRESIDENT: Two comments: firstly, your question was borderline as to being a supplementary to the primary question. Secondly, the minister has only been on her feet for half the time; she has half the time left to answer the question.

Senator PAYNE: In relation to jobs issues that the senator has referred to, I have a small amount of information here. But I think it is probably an idea for me to take the rest of that question on notice, and I will come back to the Senate.

Asylum Seekers

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:29): My question is to the Attorney-General, Senator Brandis. Can the minister confirm reports this week that an asylum-seeker vessel was intercepted by Australian officials in international waters?

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): No.
Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:30): Mr President, I ask a supplementary question. I refer to previous comments from a parliamentary representative on the Indonesian Foreign Affairs Commission who has described boat turn-backs on international waters as illegal. Has the government received any response from the Indonesian government following this week’s media reports?

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): Senator Bilyk, the advice to the Australian government is that the policies which we have successfully put in place to repair the damage done to our border by the government which you supported are within the law. That is the advice we have received from our legal advisers. Everything we have done has been within the law and everything we have done has been effective. I would remind you, Senator Bilyk, that—

Senator Moore: Mr President, I rise on a point of order that goes to direct relevance. The question was specifically about responses from the Indonesian government following this week's media reports.

The PRESIDENT: Also there was a question about legality and the minister is answering that question.

Senator BRANDIS: Senator Bilyk, I was about say that the policies that we have put into place not only are consistent with our legal advice but are also effective; we have solved the problem. When the Labor Party was in power, 812 unlawful asylum-seeker vessels reached Australia's shores in less than six years. Almost 50,000 people reached Australia's shores and more than 1,100 people drowned.

Senator Moore: Mr President, I again rise on a point of order that goes to direct relevance to the question, which was about responses from the Indonesian government. We have not come near that.

The PRESIDENT: I wrote down what was asked and I do believe that the minister has been directly relevant to the question. The minister has concluded his answer.

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (14:32): Mr President, I ask a further supplementary question. Minister, have all actions taken by the Abbott government in the course of its turn-back program been lawful under domestic and international law?

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): Yes.

Automotive Transformation Scheme

Senator XENOPHON (South Australia) (14:32): My question is to Senator Ronaldson representing the industry minister, Mr Macfarlane. Yesterday I met with senior representatives of the Federation of Automotive Products Manufacturers. Of the 33,000 direct jobs in the automotive component sector in Australia—that is, separate from the 12½ thousand direct jobs in car manufacturing—as few as 30 per cent may survive in Victoria and only 20 per cent in South Australia after the departure of Ford, Holden and Toyota as car makers in this country. FAPM has repeatedly called on the federal government to amend the criteria urgently for grants under the Automotive Transformation Scheme in order to allow component makers to diversify to new customers and sectors. Why has the government
refused to amend the regulations given that, firstly, the fund, on current criteria, will be underspent by at least $500 million and that, secondly, changing the regulations is the easiest and quickest path to save jobs in the sector?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:33): I thank Senator Xenophon very much for his question. It would probably be useful for the chamber if I go through very quickly what the government has done in relation to the ATS. Senator Xenophon is probably aware that on 10 March the $500 million was restored. From recollection, that was very much supported by the Federation of Automotive Products Manufacturers Chief executive, Richard Reilly, who said the funding ensures companies of some clarity on their business models, will assist some suppliers competing internationally to avoid the valley of death and will support the transition of the industry.

As Senator Xenophon is acutely aware, the ATS is linked to production volumes. At this stage we do not know whether the restored funding will be fully utilised by the industry or not. From recollection, the breakdown of component manufacturing and direct automotive manufacturing is about 55-45, but I stand to be corrected on that. Senator Xenophon, I know you will have some supplementaries on this. We are, of course, deeply concerned about job losses flowing from the automotive sector. The government's growth fund is targeted towards South Australia, where, you quite rightly say, the great bulk of these job losses will come from. There are a number of initiatives under the growth fund which will start to address those job losses. I am sure you are aware of them but I will go through them for you. There is the $30 million Skills and Training Program, a $15 million extension to the Automotive Industry Structural Adjustment Program, the $20 billion Automotive Diversification Program and the $60 million Next Generation Manufacturing Investment Program. (Time expired)

Senator XENOPHON (South Australia) (14:35): Mr President, I ask a supplementary question. Given that the Bracks report in 2008 estimated a multiplier effect of six jobs for every automotive manufacturing or component job, what plan does the government have to deal with the expected loss of 150,000 to 200,000 jobs mainly in South Australia and Victoria? Does the government agree with that multiplier figure? If not, what other multiplier figure does it suggest?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:36): I am sure the honourable senator will understand that I will take the second part of the question on notice in relation to the exact figures and I am sure the industry minister will get back to him. Part of the government's program to address the unfortunate demise of the automotive manufacturing sector in this country is the Automotive Diversification Program. On 10 March this year the successful recipients of round 1 were announced. There were 12 recipients across South Australia and Victoria, and they totalled some $16.2 million. Another program was opened, and it is closed on 21 April. I understand an advisory panel was looking at that. But I think, just very quickly, the Adelaide Tooling company received a grant—(Time expired)

Senator XENOPHON (South Australia) (14:37): Mr President, I ask a further supplementary question. What forecasts are there of an underspend on the ATS on the current criteria? And what forecast does the government have of the projected job losses with the
demise of automotive manufacturing in this country in the absence of spending that $500
million that appears to be sitting there?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the
Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:37): I thank
the honourable Senator for his questions. I said earlier on that the ATS is linked to production
volumes. I will take on notice the specifics about the potential job losses. The minister may
well have some further examples of that.

I want to just go through a couple of these programs in your home state, Senator
Xenophon, where we are indeed trying to transition these companies, and the component
manufacturers in particular, into new innovative and advanced manufacturing industries.
Blown Plastics: $831,000 to machinery to develop and manufacture export packaging for
their local fast-moving consumer goods industry. Monroe Australia: $125,000 for equipment
to enable the company to manufacture and export powder and metal sintered multi-tunable
valve support components. There are a large number of very good programs. Indeed, this will
assist us in the survival of those— (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:38): I acknowledge the presence in the President's Gallery today of
a member from the German Family Party of the European Parliament, Mr Arne Gericke.
Welcome to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Infrastructure

Senator CANAVAN (Queensland) (14:39): My question is to the Assistant Minister for
Immigration and Border Protection, Senator Cash, representing the Minister for Infrastructure
and Regional Development. Will the minister tell the Senate how the government's northern
Australia plan will unlock jobs and opportunities in infrastructure and regional development?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border
Protection and Minister Assisting the Prime Minister for Women) (14:39): I thank Senator
Canavan for his question. Like Senator Canavan and those of us on this side of the chamber,
we are delighted to be part of a government that not only recognises the potential of our great
North but is taking steps to embrace it and, further than that, unlock it.

When Australians vote for a government, they hope that a government has a vision. This is
a government that has a vision for Australia's future. This is a government that has a vision for
the north of Australia.

Senator Whish-Wilson: What about the south of Australia?

Senator CASH: What we have seen today is a government that is setting out an
ambitious, long-term reform agenda for the North. We understand that a strong north of
Australia means a strong nation—more business, more trade and more investment. What does
that mean for the people of Australia, including the people in the south of Australia? It means
stronger growth, more jobs, higher incomes and better living standards—as I said, not just for
the people in the north of Australia but for all Australians.
This is a government that recognises that the north of Australia is a great place to live and work. This is a government that is going to unleash the untapped economic potential of the north of Australia. Our paper sets out the actions to capitalise on the north of Australia’s strength, to manage the impediments to growth and to create the right conditions for private sector investment, innovation and growth, including addressing the infrastructure needed to support the long-term growth for the region.

Senators on this side of the chamber know that northern Australia is a diverse and vibrant region rich in opportunities to drive growth in jobs and investment. The Commonwealth government is making record levels of investment in the north of Australia. We are investing $1.2 billion over the forward estimates in northern Australia to seize the economic potential and the opportunities, and to secure all Australians’ future. (Time expired)

Senator CANAVAN (Queensland) (14:41): I ask a supplementary question. Can the minister highlight for the Senate the government’s plans for northern Australia, especially in regards to road infrastructure?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:41): Absolutely, I can. This side of the chamber, this government, is investing in northern Australia to seize the economic potential, as I said. Our investment includes $600 million for a northern Australia roads package for priority road projects, including the Arnhem Highway, Flinders Highway, the Outback Way and the Tanami Road. This is in addition to the $5 billion Northern Australia Infrastructure Facility, $15.3 million in our tropical health strategy, $100 million in our northern Australia beef roads and the Northern Australia Insurance Premiums Taskforce, as announced in the budget.

This government has already announced a $200 million package to improve infrastructure in the Cape York Peninsula, which will not only improve local road accessibility once complete but, during the construction, will create much-needed jobs. These are just some of the projects that will help the north of Australia build its enormous potential.

Senator CANAVAN (Queensland) (14:42): Mr President, I ask a further supplementary question. Thank you to the minister for that. Will the minister also inform the Senate of the plans for northern Australia in relation to water and dams?

Honourable senators interjecting—

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:43): It is another good story—and I will take that comment, Senator Back.

Honourable senators interjecting—

The PRESIDENT: Order on my right!

Senator CASH: Despite being home to over one million people and three million square kilometres of land, there are a number of barriers that need to be overcome in order to unlock these sensational opportunities. These, of course, are a lack of basic infrastructure, information on water and soils, and uncertain or restrictive land and water rights. But the northern Australia white paper provides investment in long-term and innovative water solutions. This is not just about building dams. The national water fund will provide $200 million for whatever infrastructure gets water to where it is needed most in the North. The
white paper also provides up to $5 million for a feasibility study towards starting Nullinga Dam near Cairns, going up to $5 million to finalise the business case for Ord stage 3. This is a fantastic plan for all Australians. (Time expired)

Renewable Energy

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:44): My question is to the Minister representing the Minister for the Environment, Senator Birmingham. Noting the government's deal with Labor to slash the Renewable Energy Target, will the government confirm that it now has done a deal with the crossbench to further undermine the Renewable Energy Target by putting additional restrictions on new wind developments?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:44): No.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:45): Mr President, I ask a supplementary question. Minister, your answer flies in the face of a letter published today by The Guardian approximately 15 minutes ago, which shows that Minister Hunt—

The PRESIDENT: Just a moment, Senator Waters. A point of order, Senator Macdonald.

Senator Ian Macdonald: My point of order is that this is clearly a debate, Mr President. The senator is quoting newspapers and arguing with the minister, and she should be brought into line.

The PRESIDENT: There is no point of order. The senator is in order. Senator, you have the call.

Senator WATERS: Your answer flies in the face of a letter on Minister Hunt's letterhead just published on The Guardian website showing that the government has agreed with the crossbench to undermine wind energy by imposing new planning restrictions, appointing a wind farm commissioner and acting on the recommendations of the anti-wind farm inquiry. Would you like to correct the record, Minister, that there is no deal?

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:46): I thank Senator Waters for the questions. Senator Waters, you invited me in the first question to confirm if we had done a deal as such. The answer to that is no. Has the government been engaged in discussions with the crossbenchers in relation to the committee report and work that is being done in the chamber? Yes, those discussions have been happening.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (14:46): Mr President, I ask a further supplementary question. Minister, the letter clearly establishes that you will deliver certain things in exchange for votes from the crossbench on native forests. Given your red-tape reduction plan, how do you justify new red tape on an industry which has the potential to generate clean energy, thousands of jobs and billions of dollars?

 Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (14:47): We make no apologies for the fact that we are consulting with crossbenchers to address concerns they have, which are reflected from communities that they represent, as well as concerns that senators on this side have, like Senator Back. No apologies
for that. No deal has been done though, Senator. If you care about the future of the renewable energy sector then what you would be doing is supporting the opposition and the government in making sure we give certainty to the Renewable Energy Target, that we make the adjustments to the renewable energy legislation that is before this chamber, that we give them the certainty to be able to achieve the 20 per cent target that we are legislating for through this chamber at present, which will deliver 23 per cent of renewable energy by 2020. That is what the government are legislating for. We have the legislation before this Senate. You are trying to oppose it and block it. We want to get on and make sure we deliver on that policy, on that commitment. (Time expired)

Senator Waters: Mr President, I seek your indulgence as we would like your ruling on whether the minister has actually misled the chamber in the course of his answers today.

The PRESIDENT: Senator, that is not something for me to determine at this point in time, and I believe the minister has been answering the question correctly. I see no infringement of the standing orders whatsoever. Do you have a further point of order, Senator Waters?

Senator Waters: Yes, Mr President, we are seeking for you to check the Hansard and try to establish whether the minister has in fact deeply misled the chamber.

The PRESIDENT: I think you are now casting an aspersion on the minister, Senator Waters. I do not believe the minister has been out of order at all, and I do not believe there is any need for me to check the Hansard. You are establishing a debating point on a question you have asked. The minister has answered the question in accordance with the standing orders. If I need to come back to the chamber with anything other than what I have just said, I will do so in the future.

National Security

Senator STERLE (Western Australia) (14:49): My question is to the Attorney-General, Senator Brandis. I refer to the Attorney-General's decision to wait three days to advise parliament that the Monis letter had not been provided to the Martin Place siege review. I ask: what sort of Attorney-General finds time to read bush poetry at Senate estimates but takes days to correct misleading evidence to the parliament on a matter of national security?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:49): Thank you very much indeed, Senator Sterle. I like having questions from you, Senator Sterle, you are a rough diamond but a gentleman. Senator Sterle, this is the position as I tried to explain to one of your colleagues earlier in the week. On the Thursday of the first week of estimates certain evidence was given to Senate estimates, in particular by a deputy secretary of my department in relation to the so-called Monis letter. On the afternoon of Monday of the second week of estimates I was told by the secretary of my department that it appeared that there was doubt about the accuracy of that evidence, so I immediately asked him to conduct an urgent inquiry within the Attorney-General's Department to establish the facts. He came back to me 72 hours later, early on the Thursday afternoon, and told me that the inquiry that I had asked him to conduct had established to a certainty that the earlier evidence was wrong. I immediately corrected the evidence that had been given. I immediately corrected it by having a written correction actually hand-delivered to the secretariat so as to ensure that the
secretariat had that correction in good time for opposition senators to ask me questions about it before the Senate estimates committee adjourned, and they did.

Senator STERLE (Western Australia) (14:51): Mr President, I ask a supplementary question. Can the Attorney-General confirm that since coming to government you have defended the rights of bigots, spent $15,000 on taxpayer-funded bookshelves, forced the communications minister to clean up your metadata mess, forced the foreign minister to clean up your Middle East muddle, bullied and interfered with the position of an independent statutory office holder, used Senate estimates to catch up on your reading and, most seriously, misled the parliament and the public about a matter of national security?

The PRESIDENT: I do not believe that the last part of your question is in order, Senator Sterle, and I think it would be best if you—

Opposition senators interjecting—

The PRESIDENT: You have cast an aspersion on the minister. The other parts of your question are fine.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:52): Good to hear that litany of abuse from you, Senator Sterle! And I know you do not mean it. Mr President, I will need your guidance, because I was actually going to respond to that part of the question which you ruled out of order. Am I at liberty to do that?

The PRESIDENT: If you wish to respond to any part of the question that Senator Sterle asked you, you are at liberty to do so.

Senator BRANDIS: You have given me a lot of material to work with, Senator Sterle, but let me focus on the last, because that is far and away the most important thing you have said. The parliament was misled. The parliament was misled by the Deputy Secretary of my department on the Thursday of the first estimates committee and by me, inadvertently. And when the fact that incorrect evidence had been given to the Senate committee on the Thursday was confirmed, I immediately corrected the record, as did she.

Senator STERLE (Western Australia) (14:53): Mr President, I ask a further supplementary question. Was the Attorney-General surprised to read in last Friday's paper the background from his colleagues about his 'litany of ministerial missteps' and that 'If a reshuffle is on later this year, the AG might find himself with even more time to read verse'? Or, given his performance, was it no surprise at all?

The PRESIDENT: I will allow the Attorney-General to answer what part of that question the Attorney-General feels he wishes to answer.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:54): I read a lot of commentary in newspapers. Some of it I find very flattering; some of it I find unflattering. In that way I am no different from any other politician.

Centenary of Anzac

Senator REYNOLDS (Western Australia) (14:54): My question is to the Minister for Veterans Affairs and the Minister Assisting the Prime Minister for the wonderful Centenary of ANZAC program, Senator Ronaldson. I refer the minister to the government's commitment
to honour and to capture the war service of Australian men and women. Can the minister inform the Senate about preparations the government is making for commemoration of the August Offensive and the Battle of Lone Pine in Turkey this August?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:55): I thank Senator Reynolds for the question and thank her for her service to this nation as well. In August 1915 the Anzac forces began what was called the August Offensive, the last great push to remove the Turkish forces from Gallipoli. It was probably the most fierce of our campaigns in Gallipoli. The casualties were enormous, and seven Australians were awarded the Victoria Cross during that particular campaign. To honour the service of those men, on 6 August this year there will be another major commemorative event at Lone Pine. It is the first of its type, and the department is gearing up for that as it did for the Anzac Day services. I want to place on record my deep and abiding thanks to the department staff for the fantastic job they did.

This service will start at five o'clock on 6 August. Today I want to announce a free and non-compulsory registration scheme to enable those Australians wishing to attend the ceremony to register to receive information about the commemoration. This commemorative event will not be ticketed or balloted as the Anzac Day service was. There will be about 5,000 places for those who wish to attend the service. I strongly encourage people who might be interested in going to register their interest in attending to enable the government to provide them with the information necessary to ensure the appropriate conduct of the ceremony. We encourage those who are attending to be there by midafternoon to enable security and other screening to take place. (Time expired)

Senator REYNOLDS (Western Australia) (14:57): Mr President, I ask a supplementary question. Will the minister further inform the Senate about the government's commitment to honouring the centenary of service and particularly the 50th anniversary of the Vietnam War?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:57): Again, I thank Senator Reynolds. As honourable senators will be aware, the Prime Minister and I announced that we will be returning those men from Terendak, and some dependents as well. This is righting a 50-year wrong and it will be in the run-up to the 50th anniversary next year of Vietnam Veterans Day. I met with the Malaysian deputy minister last week in Malaysia. He advised me of the government's very, very strong support to return these men. I want to thank Ken Foster, David Ferguson and Bob Shewring, together with the late Tim McCombe, for this. The member for Solomon has also been of significant assistance.

The 50th anniversary of the Vietnam War will be one of the most significant commemorative events in this nation over the Centenary of Anzac period. Bringing home these men, righting a 50-year wrong, is a very, very important part of that.

Senator REYNOLDS (Western Australia) (14:58): Mr President, I ask a further supplementary question. Will the minister also inform the Senate of how the government is ensuring that the service of current serving personnel is recorded appropriately for the future?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (14:58): Thank
you again, Senator Reynolds. As the Senate has heard me say before, this four-year period is about a centenary of service and sacrifice, not just about events at Gallipoli. As part of that I today announce the opening of the recruitment process for an official historian to oversee the writing of the official history of Australia's involvement in Iraq, Afghanistan and East Timor. The government has provided $12.8 million in the recent budget to ensure that the Australian War Memorial is properly able to tell the stories of these men and women serving in our nation's name. This will tell the story of these engagements. This is an acknowledgement—

*Opposition senators interjecting—*

**Senator RONALDSON:** I thought those opposite might be remotely interested in this. This is about our contemporary veterans. These official histories will, as we have done with all official histories, tell the story of the contribution of these young men and women to this nation.

### Renewable Energy

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (14:59): My question is to the Minister representing the Prime Minister, Senator Brandis, I refer to the Prime Minister's statement on the Alan Jones show that the government has reduced the future number of wind farms: 'I would, frankly, have liked to have reduced the number a lot more.' Is a further reduction of renewable energy generated from wind farms government policy or just another captain's call?

**Senator BRANDIS** (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:00): Senator, I actually did not hear the Prime Minister's interview with Alan Jones.

*Senator Gallagher interjecting—*

**Senator BRANDIS:** I actually did not hear it, Senator Gallagher. Can I tell you, though, that the government support renewable energy as part of our energy mix. We want to see the renewable energy target, which was introduced by the Howard government, by the way, succeed. Legislation has passed the House to progress our bipartisan agreement—with the opposition, by the way, Senator—to reform the target, avoiding wasted investment in electricity generation, reducing the risk of unnecessary price rises for consumers and allowing small-scale generation such as household solar to continue to grow uncapped, and exempting energy-intensive trade-exposed sectors such as aluminium. These measures are good for Australian jobs.

The Commonwealth government does not approve new wind farm projects—

**The PRESIDENT:** Pause the clock.

**Senator Moore:** Mr President, I raise a point of order on direct relevance. I was listening carefully to the minister to see whether he was going to move onto the issue of wind farms in government policy at all, as that was the specific question. Could we have the minister directed towards the question.

**The PRESIDENT:** Thank you, Senator Moore. I remind the minister he has half the time left to answer the question.

**Senator BRANDIS:** I had actually just started to address the issue of wind farms when you took your point of order, Senator. As I was saying, the Commonwealth government does
not approve wind farm projects because that is a matter for state governments. But the
government does take community concerns seriously and is committed to looking at whether
wind farm noise impacts human health. To that effect, the National Health and Medical
Research Council has released an information paper entitled 'Evidence on wind farms and
human health'.

Senator Kim Carr: It said there was no evidence, no evidence at all!

Senator Back: It did not!

The PRESIDENT: Order! Senator Back and Senator Carr!

Senator BRANDIS: Senator Urquhart, given the limited reliable evidence available, the
NHMRC considers that further high-quality research is warranted and is planning a targeted
call for research into wind farms and human health. The Department of Industry and Science
will be reviewing the NHMRC's work to consider how noise from wind farms may affect
human health so that any approach to measuring noise can be targeted appropriately.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:02): Mr
President, I ask a supplementary question. I also refer to the Prime Minister's statement on the
Alan Jones show that he understands the concerns about the potential health impact of wind
farms. Does the Prime Minister have any evidence to support his concerns regarding the
health impact of wind farms?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-
President of the Executive Council, Minister for Arts and Attorney-General) (15:03): Senator
Urquhart, the Prime Minister is concerned and the NHMRC are sufficiently concerned that
they are examining the matter. Senator Urquhart, I am not a scientist, but, like the Prime
Minister, I have heard community concerns voiced. I have heard them voiced in this chamber.
I have heard them voiced in particular by my friend Senator Chris Back, from Western
Australia, who gave a most instructive speech about this topic in this chamber some months
ago. I have discussed the matter with Senator Back and I understand that there are reasons for
concern.

As to the strength of the evidence—as to the strength of the empirical basis of those
concerns—I am not in a position to inform you, but I think, Senator, you should not close
your mind to the concerns that people in the community have and that the Prime Minister,
quite appropriately, articulated.

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:04): Mr
President, I ask a further supplementary question. Has the Prime Minister agreed to the
establishment of a wind farm commissioner and another committee to investigate claims
about the health impacts of wind farms?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-
President of the Executive Council, Minister for Arts and Attorney-General) (15:04): I am
not aware that the Prime Minister has announced the establishment of an office of wind farm
commissioner.

Senator Urquhart: Mr President, I seek leave to table a copy of a letter from Minister
Hunt addressed to senators.

Leave not granted.
Honourable senators interjecting—

The PRESIDENT: Order! On both sides! I did not hear the minister then, but I assume, Minister, you have asked for further questions to be placed on notice.

Senator Brandis: Mr President, you could not have heard me for all the yelling from the opposition, but I did ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Renewable Energy

Senator BIRMINGHAM (South Australia—Assistant Minister for Education and Training) (15:05): I rise to give additional information to an answer in question time.

Opposition senators interjecting—

Senator BIRMINGHAM: Oh, you want to hear it, indeed! You want to hear it. Senator Waters asked me a question about whether I could confirm if a deal had been done in relation to wind energy. Senator Waters then went on to cite—as, indeed, Senator Urquhart just did—a letter from Minister Hunt that allegedly was on The Guardian's website. After I said there was no deal that had been made, but I did confirm discussions were being had with the crossbenchers, Senator Waters then went on to suggest that I had misled the chamber and to invite you to consider that fact, Mr President. The fact that Senator Waters ignored and the fact that Senator Urquhart has ignored is that the letter on The Guardian's website is undated, unsigned and has 'Draft' written right across it.

I can confirm for the Senate, as I told the Senate during question time, that no deal has been done. I can confirm for the Senate that the government does listen to the concerns of the community, does listen to the concerns of its senators, does listen to the concerns of the crossbenchers and is having discussions to that effect, but no deal has been done. It is thoroughly misleading of the Australian Greens and the Australian Labor Party to be coming in here proclaiming they have a letter when the very letter they have know is a draft that is unsigned and they have absolutely no proof to suggest that anybody has misled this Senate.

Senator Wong: In light of that answer, I again seek leave to table the draft letter to senators on Minister Hunt's letterhead. I understood the Leader of the Government in the Senate was out of the loop, but the minister clearly was not. He has now read the letter, so the government has notice of the letter—in fact, it is the government's letter. I seek leave to table it.

Senator Cormann: Mr President, I rise on a point of order. Senator Wong has been here long enough to know that the usual courtesies are that, where leave is sought to table these sorts of documents, they have to be circulated across the chamber in the appropriate fashion. This can be considered later in the day.

The PRESIDENT: That is not a point of order. I understand your sentiment.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:07): Mr President, I seek leave to make a short statement.

Leave granted.

Senator BRANDIS: We will not be giving leave to table this document, because we were asked leave to table a letter. The document I have been given is not a letter.
The PRESIDENT: Senator Wong, would you still like me to put the question in light of the comments of Senator Brandis? I gather not.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
National Security

Senator POLLEY (Tasmania) (15:08): I move:
That the Senate take note of the answers given by the Attorney-General (Senator Brandis) to questions without notice asked by senators today.

I want to try and encapsulate the essence of those questions that were put to Senator Brandis, starting with the A to G—that is, the Attorney-General, obviously. A is for the ABC broadcast, and we know how those people on the other side feel about the ABC. B is for books and, I guess, to be precise, it should be about poetry. C is for citizenship and E is for e-security, and we all remember the metadata and the performance by the Attorney-General with that. F is for funding and the funding for arts, which we know he has cut, and we know about the funding of his books to go into his very expensive bookshelf in his office. And of course all Australians remember that G is for Gillian Triggs. This government's performance in terms of attacking Ms Triggs is well known and has been deplored. The Attorney-General's performance in his personal attacks on the credibility of this public servant has been absolutely deplorable.

We all know that this government is in chaos, but what we are really not quite sure about is whether it is a matter of the ministers in this government being totally incompetent or just untruthful. There are so many examples of how out of touch this government is, and no-one is more out of touch than the Attorney-General. There was his performance at the recently-held estimates, and the way in which he and his department have dealt with the correspondence they received from Man Haron Monis in relation to the siege at the Lindt Cafe; the fact that he waited for over a week before he corrected the public record. This is a man who comes into this chamber day after day and tries to berate the opposition for our term in government.

Senator Ian Macdonald: He does not try to—he does!

Senator POLLEY: He tries, but he is not very good at it. For somebody who is the Minister for Arts, he obviously failed his auditions this week. And today we saw a grand performance of how he can slap the lectern when he is trying to make a point, when he can yell and then we have those on the other side, Senator Macdonald, wanting to have the microphones turned up. What a performance—what a pitiful performance from those opposite.

Let us turn to the comments that were made today by the Attorney-General in relation to the allegations that this government paid those smugglers. To turn back the boats, the Prime Minister and those opposite have always said that they would do 'what has to be done'. Today we heard that, no, they have done everything within the law; but they still have not answered whether cash was handed over to the people smugglers. They still refuse to say that. But they have not addressed the morality of this act.

Senator Ian Macdonald: Mr Deputy President, I rise on a point of order on relevance. I know you allow a very wide range of issues, but this question of turning back the boats was yesterday's series of questions, not today's. The member is speaking on a motion to take notice of Senator Brandis' answers today.
The DEPUTY PRESIDENT: There is no point of order.

Senator POLLEY: It does not matter when we look at the performance of the Attorney-General. Yes, it was referred to by one of the questions in relation to the media speculation about when there is going to be a shift in the ministry and whether or not Senator Brandis will be moved on. But I have to say that, with his performance this week, I think he was trying to audition for what was some media speculation that I do not think is going to be true: that the government will be looking for a new leader in the Senate. I do not think that is going to happen, but I will say that it was not a very good performance.

If we turn our mind to something else which is of serious concern to the community—funding to the Aboriginal and Torres Strait Islanders—and the fact that this government has yet again, in so many ways, attacked those and cut funding that would support the most vulnerable Australians. Senator Brandis has overseen another strike against this government when they are attacking those who can least afford to be attacked. If we talk about arts funding—and we know that Senator Brandis loves his ballet—and where that funding from this government has gone, it has always been in those areas.  *(Time expired)*

Senator CANAVAN (Queensland) (15:14): It is great to stand up here and contribute to this debate, because this debate will clearly show what is different between us and them. The Labor Party think that we are just like them. They think that we are all us and we are just like them. Well, we are not like you, Senator Polley. We actually are making decisions consistent with good government. Unlike the government that you administered for six years, we have made decisions consistently with things going through cabinet, going through national security committees and going through the party room as well, and a clear decision has been made by the cabinet to remove citizenship from those dual-citizenship Australians who fight in terrorist armies overseas, at times against Australian troops. We have made a clear decision through the entire coalition decision-making process that those people should have their citizenship stripped in that case. That is our decision; that is what we have done, and we have put it through the process. But that is not the position of the Labor Party. Some time in the last 24 hours—I am not exactly sure when Mr Dreyfus appeared on Sky News—

Senator Brandis: This morning.

Senator CANAVAN: Thank you, Senator Brandis. Mr Dreyfus, the shadow Attorney-General, was on news this morning and was asked directly about this question: whether dual citizens should have their citizenship stripped in the case of them fighting in terrorist armies. He was putting the case that we need to give them some kind of judicial review on this decision and let the courts decide whether they should have their citizenship stripped. There is a practical issue here, of course: how are you going to have that court review when we are trying to keep these people out? Mr Dreyfus's response was very clear: 'You get them back here.' That is what he said—a direct quote. He was asked: how are we going to provide a court review process for people who are suspected of being, and probably have been, involved in fighting for terrorist armies overseas? The policy now, apparently, of the Labor Party is that you get them back here. This is how we are different from them. We believe that we do not want to get people who have been fighting in terrorist armies back here. We want to keep them out of here. The Labor Party want to bring them back into our country—people who have potentially been fighting against Australians; people who have signed up with loyalty to another cause that is inconsistent with the requirements of being an Australian and supporting
Australia. They want to get them back here in this country to potentially spread their message of hate and intolerance through our country as well. We reject that. That is not our policy. That is not what the coalition stands for. We will fight every day and week to ensure that these people do not come back into our country and we are able to keep our people safe from the harm that they would seek to do to us.

The other way we are different from the Labor Party is that we have gone through the proper process. There is an absolute litany of examples from the previous Labor government of how they corrupted a cabinet decision-making process, how they ignored collective decision making and how often decisions were rammed through by one or two or four individuals. We have seen many examples of that this week on our TVs, but there was a book written late last year by Paul Kelly which extensively catalogued these examples. Just one quote from that book is:

The same story often occurred at cabinet meetings, or the 'gang of four'—
that is, the Strategic Budget and Priorities Committee, which thankfully no longer exists—
Gillard recalls: 'I saw him—
that is, Kevin Rudd—
treat the whole National Security Committee badly. He'd keep them waiting endless hours. He'd come in late, grumpy, carrying around his bloody cushion, looking miserable, treating them like school children.'

That does not happen under a coalition government. We still have a national security committee, but it meets regularly, it makes decision in an orderly way and it is not treated with the kind of disrespect that was shown by the former Labor government. You need to have that process if you want to keep Australians safe. You have to have these things in place if you want to make sensible decisions after due consideration of the issues to keep Australians safe. This debate is about that. That is exactly what this debate is about. It is one of our fundamental priorities: here is a parliament and the job of those in government—almost their No. 1 job—is to try their best to keep Australians safe. We will never necessarily succeed every time, but we must do all we can to keep them safe. The coalition and this government is committed to doing that and making the appropriate changes in the law to have that done. With the Labor Party, there is a huge question mark right now.

Senator CAROL BROWN (Tasmania) (15:19): We saw at the end of question time today just how light on his feet the Attorney-General is when he refused a request to table a letter by Senator Wong regarding a letter that was published on The Guardian website by Greg Hunt.

Senator Brandis: Deputy President, I rise on a point of order. The senator is misleading the Senate. I did not refuse leave to table a letter—

The DEPUTY PRESIDENT: Senator Brandis, accusations of misleading the Senate are not covered under the standing orders. It is not a point of order. Senator Brown, you have the call.

Senator CAROL BROWN: I had not actually finished. What I was going to say to the Senate is that it just shows the arrogance of the Attorney-General. The basis of the refusal was that the letter that was requested to be tabled was a document. This is the problem the Attorney-General has with not only the Senate but also the community. It is the arrogance and what has been shown as the incompetence of the Attorney-General and Minister for Arts. He
does not listen; he certainly does not listen to the community. He is disrespectful of the processes of the Senate, particularly as we have seen in budget estimates, where he enjoys reading poetry instead of listening and being part of the budget estimates process. He is going to have plenty of time to read more poetry when his actions are subject to not just one but two Senate inquiries, which were supported—for the first time, I believe—by all eight crossbenchers, who voted with Labor. One inquiry will be a review of the handling of the letter sent to the Attorney-General on the Martin Place siege gunman, Man Haron Monis.

The fact that Labor, the Greens and all the crossbenchers voted together to establish this inquiry is a clear reflection on the seriousness of this matter, and the Senate's complete lack of confidence in the Attorney-General. The Attorney-General's handling of this issue certainly beggars belief. He continued here, today, in a response to questions to give a totally implausible explanation as to the delay on why the record was not corrected. It is a completely implausible explanation, and a Senate inquiry has had to be set up to look at exactly what has happened around this very serious matter.

The second Senate inquiry will delve into the depths of the ineptitude of the Minister for the Arts, by examining the Abbott government's decision to strip $105 million from the Australia Council. Again, the Senate has had to establish a Senate inquiry. The Senate overwhelmingly voted to establish this inquiry into the decision of Senator Brandis to cut the Australia Council in order that he—as we heard in question time today in the question from Senator Collins—could establish his own personal slush fund to support his own pet arts projects. We know that in doing this Senator Brandis consulted no arts groups and only informed the Australia Council hours before announcing the funding cut in the budget. That is what Senator Brandis said in answer to the question here today.

In fact, so arrogant is Senator Brandis that he does not even feel the need to consult with his cabinet colleagues on significant issues of national security. This week we have learnt that the full federal cabinet was not shown advice from the Solicitor-General on changes to citizenship laws for suspected terrorists. So angry were the colleagues of Senator Brandis that no fewer than three senior government sources spoke to media outlets to confirm that the advice was not shown to the full cabinet. So what we have seen here with the conduct of Senator Brandis and his arrogance is the Senate on two occasions establishing inquiries into his decisions, and his own cabinet colleagues have come out—(Time expired)

**Senator RUSTON** (South Australia—Deputy Government Whip in the Senate) (15:25): I stand to take note of answers to questions in question time today, but I am really quite astounded after having listened to the contribution of Senator Brown opposite, who I too thought was going to be taking note of answers to questions in question time today. In fact, all I have heard was Senator Brown taking the opportunity to spend five minutes to reflect adversely on the Attorney-General. She made no real attempt, apart from the last 35 seconds, to say anything apart from being blatantly rude to the Attorney-General. I chose not to take a point of order, because I thought I would much rather have the opportunity to stand and say that I thought it was the most disgraceful exhibition of a personal attack on a minister of the Crown that I have seen in this place recently.

Today was quite an extraordinary question time in the sense that we had the most extraordinary, eclectic group of questions. It is very difficult to get any train of thought about how to take note, when you consider the breadth of the issues that were raised. I am not quite
sure what they were trying to get at. I will address the answers to the questions that we have given today and not dwell any further on the personal attacks. As an example, we are talking about the Australia Council funding. A decision by a government to prioritise how it spends its money is exactly that: a decision by government to prioritise. We all know that we do not have boundless or limitless funding that we can spend on anything. A decision by a minister; a decision by the government; a decision by cabinet—whatever the appropriate decision may be—to decide how they are going to allocate funding within a limited budget is not a matter that necessarily deserves the kind of vitriol and bile spewing that we saw this afternoon on the Attorney-General's decision to prioritise arts funding in a particular way.

In another question, Senator Wong asked Senator Brandis about to the citizenship issue. It is quite extraordinary that we should be sitting here and debating whether at all we actually want people to come back to this country who have dual citizenship and who have taken it upon themselves to go and fight with a terrorist organisation in an overseas jurisdiction. As a mother, I can assure you I do not want this type of person back in this country influencing my children, or even attempting to influence other people in this country in a way that may have a detrimental impact on the safety and security of this nation. Today, in response to a question from Kieran Gilbert, we heard the shadow Attorney-General make a comment in relation to whether we wanted these particular people back in the country. I will quote what Mr Mark Dreyfus said this morning:

Well, you get them back here. Right? So I think the government needs to explain a great deal more but most importantly the government needs to come forward with a clear, concrete proposal.

I can assure you that the government has a very clear and concrete proposal: we do not want these terrorists coming back to this country to influence or to terrorise the people of this country. As Senator Canavan said in his contribution, this government takes the security of the people of Australia as seriously as it takes anything. In regard to the comments made this morning by Mr Dreyfus, I am sure he will come out and have some sort of explanation at some later point. He certainly needs to. To suggest that we want these people back in this country after what they have done is an extraordinary comment.

We then had Senator Bilyk once again ask Senator Brandis about asylum seekers—and this was after the ridiculous questions yesterday about credible witnesses being captains of boats that smuggled people. A credible witness is somebody who actually makes their living out of international criminal activity? I am not sure who is making up the question time questions for the Labor Party, but it was almost like being given a dorothy dixer and the opportunity to explain that under our watch we have stopped the boats. We have stopped people drowning at sea. We have stopped people getting pushed down the lists. We have got most of the children out of detention. We have not seen a thousand people drown at sea. It seems really quite extraordinary that that would be a question that they thought was a good idea to put up for question time today.

Then Senator Sterle decided that he would give another question to Senator Brandis, and then Senator Urquhart gave a question to Senator Brandis. Obviously, Senator Brandis—despite the fact that the other side seem to take great delight in throwing mud at you and making disrespectful accusations—they still think that you are nice enough that they want to ask you all the questions. *(Time expired)*
Senator STERLE (Western Australia) (15:30): Mr Deputy President, I must acknowledge your patience. The other day I was making a contribution on the motion to take note of answers to questions that were given to ministers, and you quite appropriately pulled me up. I was off track, but that is all I have heard today. Senator Ruston gave Senator Brown a good bollocking about not being on message, so to speak. Through you, Deputy President: you were way off, Senator Ruston, and then you went into it and you talked about all sorts of nonsense that we had not even mentioned in here.

I will get back to the crux of my contribution, and it is answers that were given to questions to the Attorney-General and Acting Leader of the Government in the Senate, Senator Brandis. I just want to note that when one of our senators questioned a message that was going around on the internet from Mr Greg Hunt MP, the Minister for the Environment, it was an indictment of the government that they would not allow the document to be tabled. I think that it was very appropriate, because we have just sat here listening to filibustering this week. I have sat in your position on a number of occasions, Mr Deputy President, and I have listened to some of the speeches; I think that this was all just coverage for the Prime Minister because he has gone out and done another captain's pick. In my interpretation of this, the government were quickly trying to cover the Prime Minister's backside because of some dopey deal that he was trying to do without consulting his cabinet.

I think it is important that we do actually acknowledge what the heck is going on. For those poor devils in the gallery that listen to some of the personal attacks in this chamber: look, there is nothing wrong with a good bit of argy-bargy—we all engage in it, and we all have thick skins like rhinoceroses—but there are times when the debate in this chamber and in this parliament is absolutely beyond the schoolyard. The saddest part about this is before I got to this place I saw this establishment, this building here, as the epitome of our democracy; but since the time that the now Prime Minister, Mr Abbott, became the Leader of the Opposition, the quality of the debates and the personal attacks—well, I put it down to he started it. We must never forget some of the disgusting stuff that was going on against Prime Minister Gillard, led ably by the now Prime Minister standing in front of shocking posters saying, 'Juliar … Bob Brown's bitch'. Then Senator Ruston comes out here and cries crocodile tears about attacking Senator Brandis. Senator Brandis is a QC; he can cop as much as he can dish out. It was an honourable thing to try and come to his defence. But, seriously—through you, Mr Deputy President—Senator Ruston, that was quite poor.

I have come from another angle. I have sat there and watched Senator Brandis be involved in a number of embarrassing situations and gaffes. Let us just not think that it is one incident in this chamber or the odd Walkley-winning interview on Sky News—I think that Senator Brandis is defending something even worse here, and it has to be the quality of the leadership in this country. Who would have thought that just after 12 months the government would be going into a leadership spill? Who would have thought that leaks would be coming out of cabinet in the first year of a new government? Who would have thought for one minute that the Prime Minister would go to a spill and win 61-39 to a vacant seat?

Senator Back interjecting—

Senator STERLE: The leaks keep coming. Through you, Mr Deputy President, I sat there in silence. I listened to Senator Canavan's pretty meek defence of the Attorney-General today. His words were, 'It's not your decision; it's our decision; we've made this decision,' in
reference to the citizenship debate. Senator Canavan, I do not know what planet you have been on and I do not know what garden bed you have been sniffing around after using the cigarette lighter; this came from a leak. This was on the front pages of the paper. It was not your decision. Your caucus did not sit there and say, 'Dear Prime Minister, we want to get tough on these so-and-sos who are dual citizens, and we want to kick them out'. You should have seen the look on their faces. You would have thought that they trod on dog poo with no thongs on! They were just as surprised as us. They had absolutely no idea. The media had it. Fairfax had it; Murdoch had it. Senator Canavan, hilarious! Congratulations! I did sit there; I wanted to listen to it.

Senator Brandis has been successful in one thing, as my colleague Senator Brown said: he has united the crossbench. We have seen the crossbench, as one, all vote on a couple of references. Congratulations, Senator Brandis, you have been very successful in the last couple of days! (Time expired)

Senator McEWEN (South Australia—Opposition Whip in the Senate) (15:35): Pursuant to standing order 168, I move:

That the document quoted by Senator Sterle be tabled.

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

The Senate divided. [15:40]

(The President—Senator Parry)

Ayes ......................29  
Noes ......................28  
Majority ...............1

AYES

Brown, CL  
Dastyari, S  
Gallacher, AM  
Hanson-Young, SC  
Lines, S  
Ludwig, JW  
McEwen, A (teller)  
Milne, C  
O’Neill, DM  
Polley, H  
Rice, J  
Singh, LM  
Urquhart, AE  
Whish-Wilson, PS  
Wright, PL

NOES

Back, CJ  
Birmingham, SJ  
Cash, MC  
Day, R.J.  
Fawcett, DJ (teller)

Bernardi, C  
Bushby, DC  
Colbeck, R  
Edwards, S  
Fierravanti-Wells, C
Question agreed to.

The PRESIDENT (15:42): Senator Sterle, I will ask you to table the document.

Senator STERLE (Western Australia) (15:43): I now table the document.

The DEPUTY PRESIDENT: Thank you, Senator Sterle. The question now is that the motion moved by Senator Polley be agreed to.

Question agreed to.

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

Trade

Senator WHISH-WILSON (Tasmania) (15:43): I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator Payne) to a question without notice asked by Senator Whish-Wilson today relating to the Trans-Pacific Partnership Agreement.

Senator Payne was right that there is cut and thrust on this issue in the US. There certainly has been now for many months. In fact, this is the single biggest political issue in the US Congress at the moment and has been for the last six weeks at least. My question is: where is the cut and thrust here in Australia? Where is the cut and thrust on this debate? Why is it not in the mainstream media? Why is parliament here in Australia not debating concerns around the lack of democratic input by parliament and the Australian people into these secret partnership agreements? They are not trade agreements. They are called ‘partnership agreements’ for a reason. And what they do is to attempt to synchronise laws and regulations between countries. For all intents and purposes, they are deregulation agendas.

You would at least expect that matters of significant public interest and negotiations that impact those agreements would be looked at by our parliament. But, as we have mentioned here several times before, this deal will be signed by cabinet, it will be immediately politicised and then it will be put through the JSCOT process, and we will have a month to
look at it. But we cannot change it, we can vote for it or against it, and that is only the enabling legislation. We cannot change anything. That is simply unacceptable.

In the US, the debate right now is whether they will give President Obama the right and the power that he needs to fast-track it through the US Congress and sign it without parliamentary scrutiny. But at least they are having that debate. That is democracy at work. It is robust. There is no reason why this government should not comply with the Senate's orders to release the text of the Trans-Pacific Partnership Agreement. Labor support this, the crossbenches support this. One can claim national interest immunity, one can claim that somehow releasing the text of a secret deal that was negotiated behind closed doors with no parliamentary scrutiny and driven by big corporations and foreign governments but that is going to impact on every aspect of Australian life is not in our national interest. But I cannot think of anything right now that affects our national interest more than a deal like the TPP. Every single aspect of our life will be impacted. There are 29 chapters.

Senator Payne, when I was invited by Andrew Robb to view the text of the Trans-Pacific Partnership Agreement, I read that in the paper. No-one invited me to view the text. Suddenly, that I had been shown the text was in national newspapers. I did think about that offer. As I said today, I have got children and I know you should not reward bad behaviour. Why would I cement the secrecy around this deal and be part of that by signing a four-year confidentiality agreement so that I, as a parliamentarian elected by the Australian people, cannot do my job? I would have a look at these secret texts and then I would get gagged. That is not what I signed up for. My call has always consistently been to release the text, and as a compromise, through the order for the production of documents, it is the final draft text that needs to be shown to parliament and the Australian people before it is signed.

Our treaty process is under review, and I really hope that the Defence, Foreign Affairs and Trade Committee will recommend that we need to radically overhaul our treaty process in this country. It has not kept pace with developments in trade deals in the last 30 years. It is over 100 years old. Trade is not what it used to be, if you believe these are trade deals. They are not. They are deregulation agendas, and we are about to enter an even bigger one: the Trade in Services Agreement. As far as these ISDS clauses that give corporations the right to sue us as parliamentarians if we make a law in the public interest and it impacts on their profits, why are we going down this road? It is a shame I could not ask that question to Senator Brandis because the Chief Justice of the High Court, Justice French, said the legal fraternity needs to immediately debate this in this country.

This is not the road we want to go down. They only add risk. They add nothing to investment flows between countries. They are redundant. Thirty years ago, when they were brought in, they had a purpose around misappropriation of assets. They no longer have that purpose. We need to get rid of them. We need to ban them from trade deals. We need to release this text so we can do our job as parliamentarians and act in the public interest, not in the interests of big corporations. *(Time expired)*

Question agreed to.
COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Membership

The DEPUTY PRESIDENT (15:48): 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) (15:49): by leave—I move:

That Senator Whish-Wilson replace Senator Wright on the Legal and Constitutional Affairs Legislation Committee for the committee's inquiry into the Australian Small Business and Family Enterprise Ombudsman Bill 2015 and related bill, and Senator Wright be appointed as a participating member.

Question agreed to.

DOCUMENTS

Rural Industries Development Corporation: Report

National Broadband Network

Order for the Production of Documents

Senator PAYNE (New South Wales—Minister for Human Services) (15:49): In relation to ministerial statements, I table a document relating to the order for the production of documents concerning kangaroo management. I further table a document relating to the order for the production of documents concerning the NBN corporate plan.

COMMITTEES

Wind Turbines Select Committee

Report

Senator MADIGAN (Victoria) (15:50): I present the interim report of the Select Committee on Wind Turbines, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator MADIGAN: I move:

That the Senate take note of the report.

It is my pleasure, as chair of the Select Committee on Wind Turbines to present to the Senate our interim report. To date, we have received 464 submissions from a wide range of stakeholders. These have come from wind farm opponents and proponents, environmental and community groups and those in the private sector. Submissions have come from individuals who host turbines and those who have fled their homes to escape them. The committee has received written and verbal evidence from state governments, local councils, various federal government agencies, wind farm operators and manufacturers, country fire authorities, acousticians, medical authorities and representatives from various associations and institutions. In addition, many private citizens have had the opportunity to voice their opinions with the planning, consultation, approval, development and operation of wind farms in Australia. We have conducted public hearings in Portland in south-west Victoria, in Cairns,
Thursday, 18 June 2015

in Canberra, in Melbourne and in Adelaide, and further public hearings are planned for Canberra and Sydney.

I have been following the wind farm issue for nine years now, and that includes the five years before I was elected to this place. I have toured wind farm facilities, I have visited countless numbers of wind farm homes. I have hosted public meetings. I have met with wind farm developers and operators. I have engaged with both pro-wind-farm and anti-wind-farm groups. Am I obsessed with this issue? Some accuse me of this, but I would deny that.

My interest began and continues for one simple reason, and that is people. We stand on the edge of a new energy future for Australia. Today, and over recent months, many of us have been involved in detailed discussions on the renewable energy target. The RET essentially favours wind, but there are a host of other eligible renewable energy technologies that we should also be supporting. Both manufacturing and jobs in the emerging clean energy sector are intimately intertwined with this. Our future as a country rests in a strong manufacturing sector. Our jobs, and the jobs of our children and our grandchildren, depend on this. Jobs are the DNA for social, environmental and economic stability and growth. Effective, efficient, secure and safe power generation is integral to this.

The welfare of our people, particularly those who are most vulnerable, depends on an efficient supply of low-cost, readily available and secure energy. As I said yesterday in this place, in my home state of Victoria 34,000 homes were disconnected from the electricity grid because they can no longer afford to pay their power bills.Rocketing power bills are of deep concern, and the link between this trend and wind farms is both serious and significant. As debate continues in this place on the renewable energy target we, as parliamentarians, must put to rest the continuing controversy around wind farms. We must answer the questions that continue to linger and we must address the rising tide of anger and concern.

This issue is a complex one. It involves a diverse range of disciplines. Some of these are: acoustics; the engineering complexity of power generation and supply; legislative parameters governing such areas as planning and local government; the operation of bodies such as the Clean Energy Regulator and the National Health and Medical Research Council; the effectiveness of monitoring the compliance of wind farms; the impact on flora and aerial operations in their vicinity; firefighting; and crop management.

But in the middle of all this data and complexity there is one simple element, and that is people. On one side of this debate we have some of Australia's largest companies and some very large multinationals operating wind farms. On the other hand, we have people. We have forceful and exceptionally well-funded environmental lobby groups with sophisticated digital media and campaigning skills, and on the other side we have people. Many of the people most impacted by wind farms live in isolated areas and often in rather humble circumstances. They are not experienced or sophisticated in the ways of lobbying or campaigning and they lack deep pockets and the ability to fight strong forces.

I do not believe people like this simply move out of their homes for no reason. For almost a decade now I have been hearing stories about the negative impact of wind turbines on nearby residents. I have heard stories about people driven to ill health, and to the brink of suicide, by industrial wind power generation plants erected near their homes. I have heard stories about how wind farm developers operate without integrity and how they divide communities and bend the rules in pursuit of profits. I have heard stories about compliant state government
planning departments bowing to wind farm company pressure, and local councils are ill equipped to deal with the tsunami of issues that always follows. I have seen an ongoing campaign of 'blame the victim', with those who make claims about adverse health impacts being vilified and smeared.

This issue is not going away. Despite the shrill denials from wind farm companies and environmental groups, Australians are suffering in their homes. In short, all these issues must be addressed. I am sure the wind industry would welcome this as a way of clearing the runway, if you like. I am sure the environmental lobby groups and Greens, with their expressed concern for the welfare of people, would welcome this.

As such, our interim report contained seven key recommendations. We would like to see the creation of an independent expert scientific committee on industrial sound, as well as the creation of a national environment protection and low-frequency noise measure. This measure would be integral to the ongoing accreditation of all wind turbine facilities. We urgently need new wind farm national guidelines so each Australian state and territory has a clear road map for future development. We recommend that the eligibility of renewable energy certificates, a source of huge profit for wind farm operators and one of the drivers behind the spike in power prices, be linked to compliance with the aforementioned guidelines. We would like to see the establishment of a national wind farm ombudsman to handle wind farm complaints. We propose a levy on operators who receive RECs, to fund the costs of the independent expert scientific committee on wind turbines. Lastly, the industry need more transparency. The old excuse of commercial-in-confidence does not cut it. Data such as wind speed and basic operation statistics, including operating hours and noise monitoring, should be made freely available under conditions monitored by the independent expert scientific committee. This industry needs transparency. We, as a country, need it. If—as the wind industry keeps telling us—it has nothing to hide, then it has nothing to fear. We are all in this together. We all have a shared interest in and responsibility for getting to the truth. Now is the time.

I would like to thank Senator Leyonhjelm for his initiative in calling for this inquiry. I thank Senator Day for his valuable support as deputy chair. I thank my other fellow committee members, Senators Back, Canavan, and Urquhart for their assistance and patience with me as chair, and for their enthusiasm and thoroughness. I thank Senator Xenophon for his valuable input as a participating member, as well a Senator Marshall. I thank the committee secretariat, Jeanette Radcliffe, Richard Grant, Carol Stewart and Cate Gauthier, for their exceptional assistance, support and guidance.

**Senator URQUHART** (Tasmania—Deputy Opposition Whip in the Senate) (15:59): I rise to speak on the interim report of the Senate Select Committee on Wind Turbines. The first thing I would like to note is that there is absolutely no need for this interim report. The scheduled reporting date of 3 August allowed ample time for the committee to properly scrutinise the evidence and make considered recommendations. It is clear that, in releasing this interim report, the majority committee members have determined to use committee processes to influence political outcomes, with the broader goal of undermining and destabilising Australia's wind energy industry. This report is not an attempt to share the results of a legitimate inquiry; it is a political stitch-up designed to bring the wind industry to its knees. Clearly, this is nothing but an unashamed attempt to manipulate renewable energy target outcomes, with the explicit goal of targeting the wind industry.
The committee has received no new compelling evidence that would suggest that the multiple reviews, inquiries and studies into this matter have been wrong. But, of course, the report is not about the evidence—and the report is not about the truth. The report is about the opportunity to do a dirty deal with the government to shackle the wind industry with layers of unnecessary red tape in return for supporting the terrible biomass inclusions in the RET. The majority members found a willing ally in our Prime Minister. This is a man who has spent his life in politics blissfully unshackled by any imperative to tell the truth and supremely unapologetic when it is revealed that his comments stand in total contrast to the evidence.

This was the report that it was always going to be, because this committee has never been about a legitimate inquiry but rather about how to shackle, undermine and ultimately destroy the wind industry. Before the inquiry even started, the game was rigged. Before a single submission was received, the outcome was determined. You just need to look at the terms of reference, which read like a poorly articulated list of longstanding furphies about wind energy that have been debunked again and again. However, what is more telling about the terms of reference is not what is in them but what isn't, and I encourage senators to take a look at those terms of reference. If you do, you will see no mention of the environmental benefits of wind energy, despite the fact that wind power reduces carbon dioxide emissions by millions of tonnes each year in Australia. You will see no room for consideration of the significant benefits of wind energy to regional economies, where an individual wind farm can generate hundreds of jobs in construction and inject hundreds of millions of dollars into the local economy. And you will not see anything that allows for scrutiny of the health, planning and environmental impacts of existing fossil-fuel-powered energy sources. Any consideration of wind's place in our energy mix that completely ignores every other form of energy is little more than a stunt. Labor believes that any serious consideration of wind energy must consider the role it might play in Australia's broader energy mix now and into the future. This is especially important in light of AGL's recent statement that about 75 per cent of Australia's existing thermal plant 'is already beyond its useful life'.

The recommendations in this report are brazen, they are not well considered and they are unsubstantiated. Most of them are based on the implicit assumption that wind farms are dangerous to human health. This is not what the evidence says. In fact, in 25 reviews that have been undertaken into this matter across the globe, not one has found a credible causal link between wind turbines and health. For the record, I will go through some of the findings of these reviews. The NHRMC review in 2014 said:
There is no consistent evidence that noise from wind turbines—whether estimated in models or using distance as a proxy—is associated with self-reported human health effects. Isolated associations may be due to confounding, bias or chance.
This mirrors the words of the organisation in 2010, which were:
There are no direct pathological effects from wind farms and that any potential impact on humans can be minimised by following existing planning guidelines.
In 2009, the Colby review said:
• There is no evidence that the audible or sub-audible sounds emitted by wind turbines have any direct adverse physiological effects.
The Massachusetts review said:
There is insufficient evidence that the noise from wind turbines is directly causing health problems or disease.

The Knopper and Ollson review said:
To date, no peer reviewed scientific journal articles demonstrate a causal link between people living in proximity to modern wind turbines, the noise (audible, low frequency noise, or infrasound) they emit and resulting physiological health effects.

And on it goes: 25 reviews and no credible evidence of health impacts. In fact, the committee is yet to hear from one national medical or scientific organisation, one national health regulator or one acoustics body that holds the position that infrasound from wind farms is dangerous to human health. But the senators on this committee, who are neither medically nor acoustically trained, seem to think they have discovered something that the AMA, the NHMRC, the Association of Australian Acoustical Consultants, and researchers across the globe have missed!

While the majority report recognises ‘the importance of research that has a rigorous methodology, a level of independence and the outcomes of which are peer reviewed’, it is outrageous that this same report ignores that very research in favour of the subjective testimony by individuals. The majority report asks:
Why are there so many people who live in close proximity to wind turbines complaining of similar physiological and psychological symptoms?
Labor senators note that there is actually enormous variance in recorded claims. In fact, ongoing research by Simon Chapman, Professor in Public Health at the University of Sydney, has found 244 symptoms that individuals have attributed to wind farms. These include asthma, arthritis, autism, bee extinction, brain tumours, bronchitis, cataracts, diabetes, dolphins beaching themselves, epilepsy, haemorrhoids, leukaemia, lung cancer, multiple sclerosis and parasitic skin infections.

The majority report suggests that health impacts from wind turbines occur through the low-frequency infrasound. Again, the evidence is not on their side. In its Position statement on wind farms, peak industry body the Association of Australian Acoustical Consultants states:
Investigations have found that infrasound levels around wind farms are no higher than levels measured at other locations where people live, work and sleep. Those investigations conclude that infrasound levels adjacent to wind farms are below the threshold of perception and below currently accepted limits set for infrasound.

This is echoed by the findings of an Environmental Protection Authority of South Australia study which looked at infrasound at houses in rural and urban areas, both adjacent to a wind farm and away from turbines, when the wind farms were operating as well as when they were switched off. The study concluded that the level of infrasound at houses near the wind turbines assessed is no greater than that experienced in other urban and rural environments and that the contribution of wind turbines to the measured infrasound levels is insignificant in comparison with the background level of infrasound within the environment. The report also noted that the lowest levels of infrasound were recorded at one of the houses closest to the wind farm, and that some of the highest levels of infrasound were found in the EPA’s own urban office building.

This report and the dirty RET deal that has been done are shameful. Labor will be responding to the recommendations made in the final report of the committee at the scheduled
reporting date in August. In the meantime, I urge the government not to make rash commitments or legislative changes based on the poorly informed and unsubstantiated recommendations of this committee.

Senator BACK (Western Australia) (16:08): It is disappointing, having had Senator Urquhart sitting beside me for some period of time during the hearings of this inquiry into wind turbines, that she would present the summary we have just listened to. I do certainly intend to come back to it, but I just want to place on the record, as I did the other night, that I am certainly a supporter of renewable energy. I have spoken on large-scale solar, hydroelectricity, wave energy, tidal, hot rocks et cetera in this place before, but each of those share one common parameter: not one of them has ever been shown to cause, nor has it even been suggested that they cause, any ill effects on human beings.

The question before us, as has been indicated in the interim report presented by the chair, Senator Madigan, and commented on already by Senator Urquhart, is whether or not there are any health ill-effects. I first became interested in the question in 1988, when I was the chief executive officer of Rottnest Island, in Western Australia, where the first wind turbines were placed. I spoke on this issue in August 2011, expressing my concerns, and again in August 2012. I refer to the 2011 report of the Community Affairs References Committee, chaired by Senator Siewert, looking at the social and economic impacts of rural wind farms. It is interesting that several of the recommendations of that report in 2011 are mirrored in those of the report brought down by Senator Madigan this afternoon. The first recommendation, about noise standards adopted by states and territories for planning and operation, are mirrored by recommendation 3 today. For recommendation 2, back in 2011, recommending that responsible authorities should ensure that complaints are dealt with expeditiously and that the processes should involve an independent arbiter, we can go to recommendation 5 today, recommending a national wind farm ombudsman. The third recommendation from 2011 was for further consideration of the development of policy on separation criteria between residences and wind farm facilities. Senator Urquhart knows, as the rest of us do, that when the Australian acousticians met before us and assured us that the all planning for each of the states was very reputable and we asked them, 'How do you then reconcile the fact that it is a two-kilometre setback in Queensland, a 1½-kilometre setback in New South Wales and only a one-kilometre setback in South Australia and Victoria,' they could not answer that particular point.

I was not going to refer to Professor Simon Chapman, a sociologist and an epidemiologist, I understand, from the University of Sydney, but Senator Urquhart told us that Professor Chapman has undertaken ongoing research into a whole stack of clinical signs or indications of adverse health. I will be very interested to learn of the scientific papers upon which Professor Chapman undertook that ongoing research that she mentioned. I will be particularly interested in that. Professor Chapman's contribution has been to give reference to a term called the nocebo effect. The nocebo effect basically is that you assume something wrong is going to happen and it does as a result. That is Professor Chapman's conclusion on the long list of maladies that Senator Urquhart read out to us. That is about as useful as Professor Chapman's contribution. The committee only last week in Adelaide received evidence from a Mr and Mrs Gare. Let me put to rest the nocebo effect, if I may—I quote Mrs Gare before the committee:

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Thank you for letting me speak to the committee today. I would like to open my statement with the following: developers and construction. In the beginning, I was excited about the wind farm and of course the financial security for our property and family. The process began with high-pressure consultations …

No nocebo; no expectation of some ill effect, but a hope and expectation of a technology that brings that family $200,000 a year because they have 19 turbines on their farm. When Mr Gare was asked by Senator Xenophon whether he would do it again, he said, 'No. We can't bear it. We just want them to go away.' This is a host and his wife who earn $200,000 a year from industrial wind turbines. I do not know where the nocebo is in that case, Professor Chapman.

We have also had evidence from a Mr and Mrs David Mortimer, a retired military person with expertise in wave technology. They were the first people earning income from industrial wind turbines to put their hands up and say 'We cannot survive.' It is disappointing to hear what Senator Urquhart has said, because I do not really want to make this comment, and it probably will be met with some derision: I could only hope—and I say this genuinely, through you, Mr Acting Deputy President, to Senator Cameron and Senator Urquhart—that if the people who were affected as they say they have been affected were members of the MUA or the CFMEU, members of unions, I can assure you there would have been loud complaint and allegations—

Senator Cameron: You are a dope.

Senator BACK: I am not a dope. This is because these people are on their own. They are defenceless. They have nothing other than their own message. I have often thought to myself it is because they do not have any level of representation. You only have to ask yourself: why would someone whose family have owned a farming property for five generations, as we saw at Cape Bridgewater, willingly make up a story to leave their property? We all heard evidence the other day—Senators Day, Madigan, Urquhart and I heard the evidence—from a woman who came to the Barossa Valley with her husband in the hope of a beautiful retirement. She said: 'Look at what is happening to our community. It's being destroyed. It's being turned away. We're having to leave.' I ask the question of people: if they are suffering nothing, if there is only some psychosomatic event, why do they want to walk away from their lifestyle?

In terms of the effects, I did ask the Chief Medical Officer of South Australia in Adelaide the other day whether or not stress or annoyance is an adverse medical condition. He said to me, 'Senator Back, yes, it is.' I said, 'If in turn it leads to sleeplessness, to depression and to an inability to function, is that an adverse medical condition?' He said, 'Yes, it is.' The other day in Melbourne, Dr David Iser gave us evidence of the fact that one of his patients in the room at the time was suffering from a condition. A person writing to me today talks of sleeplessness and severe pain in the ears. Other effects are nasal pressure, tachycardia, burning in the chest, nausea, exhaustion of a morning as a result of the inability to sleep.

Certainly one of the things I am pleased to be able to report is that, as a result of recommendation 4 of the Siewert inquiry in 2011, the Commonwealth government is in fact initiating, for the first time anywhere in the world, genuine independent medical research to see whether there are adverse health effects. It will be coordinated through the NHMRC. Advertisements have opened and closed. The government has committed $2½ million. As Dr
Tonin, a member of the Acoustic Group, said, 'If $2½ million is not enough then let us make sure that there is sufficient funding.'

Senator Urquhart was unable to attend the hearing in Cairns, but in Cairns a witness told us that when they did their 2012-13 so-called literature review, these were the keywords that the NHMRC left out of their review: stress, annoyance, heart disease, misophonia, headache, nausea, dizziness, vertigo, sleep disturbance, sleep deprivation. And they also ignored anything that was not in the English language! If one of my undergraduate students ever presented me with a literature review as poor as that one, I would have sent it back to them.

I recommend the interim report to the Senate and I look forward to making further comment.

Senator WATERS (Queensland—Co-Deputy Leader of the Australian Greens) (16:18): I rise to reassure anyone who might be listening who is perhaps feeling unwell because they are told that wind farms make them sick that they need not worry; there is no evidence anywhere on the globe that wind farms are damaging to human health—not by the NHMRC, not anywhere in the world. In fact, what we do know is that there is harm because people are told they should be worried about wind farms. This is the problem. We have a government that cuts funding to actual scientists, including the CSIRO and the NHMRC, slashes public servants who are meant to be looking after these sorts of things and now is being asked by the crossbench to establish a whole lot of new quack bodies to look into fake science. What an absolute tragedy. But the government, of course, will be loving this. Its objective, as we know, is to slash clean energy, and unfortunately it has done that by roping in the Labor Party to agree to a deal to cut the clean energy target.

And, as was revealed today in correspondence between the minister and the crossbench that linked in to recommendations of this particular wind farms inquiry, they now have a deal with the crossbench to undermine wind farms and wind energy, and to burn native forest. The government will be laughing all the way to the dirty coal bank on this one. They have succeeded in undermining clean energy. They have succeeded in burning native forest and throwing that lifeline to the native forest logging industry, which the rest of the world had walked away from, given that no-one wants woodchips from habitat. And now, of course, they are succeeding in undermining what little investor confidence there was left in wind—in clean energy generated from wind.

Of course, the huge irony here is that this government purport to be on a red-tape reduction program; yet today, in that draft correspondence on Minister Hunt's letterhead, they have agreed with the list of crossbench requirements for additional red tape on wind—baseless and completely unneeded, nonetheless red tape, to use their language—the irony that some red tape is good and some red tape is bad. Of course, the other irony is that this government want to give away environmental approval responsibilities under our actual environmental laws down to state governments. Here, thanks to the pressure from the crossbench to do the deal so that they can burn forests, they are wanting to take a state responsibility and intervene in wind farm regulation in town planning. This government know no bounds in terms of hypocrisy.

If it was genuinely concerned about the health impacts of energy generation, the government would look at the health impacts of coal. For heaven's sake, we had the Morwell fires where actual damage was done to people's health. We have coal dust with those tiny particulates that cause all sorts of respiratory problems for people. We know that coal is
incredibly damaging for people's health—heart disease rates are increased, cancer rates are increased. We know that coal is worsening and, in fact, driving climate change with all of its associated health impacts. So if you are really worried about the health impacts of energy generation, where is the coalmine commissioner? Why do we have a wind farm commissioner rather than a coalmine commissioner to look at the health impacts of what is genuinely a damaging fossil fuel, damaging not only to human health but also to the environment? Unfortunately, this is just more of what can be expected from the government's tinfoil hat brigade. They do not understand climate science, they do not really like science at all and they are desperate to fall over themselves to do any deal they can that will see clean energy production in this nation. There is not a single other nation that is going backwards on climate ambition, yet this parliament has cut the carbon price and it is now seeking to cut the renewable energy target.

It is doing so because it has got a dirty deal with the crossbench, who are really concerned about wind. They need not be. I feel for them and I am sorry that they have been duped by the fake science, but there is no need for people to be concerned. Wind power is not damaging to health. It is part of the climate solution. It is in fact an industry that has the potential to generate thousands of jobs and billions of investment dollars. This is part of the clean energy mix of the future. It is not some bogeyman. If you are concerned about health impacts, look at coal.

This government has succeeded from low to go to create the uncertainty that it always wanted to create. It opened the door to negotiations with the Labor Party. Unfortunately, the Labor Party came to the table and let them cloak it in some legitimacy. Now, we hear that the Prime Minister is not happy just to cut the renewable energy target down to 33 gigawatt hours. He wants to go further. He has admitted that he wished there was never a renewable energy target in the first place, he wished that John Howard had never done that and he wanted to reduce it even further but it was all he could get through the Senate.

We are seeing what he can get through the crossbench today with this junk science that is scaring people about the impacts of wind power. We absolutely condemn this interim report.

Senator DAY (South Australia) (16:23): I am just astounded. Senator Waters says that this committee and members of the inquiry have been duped by fake science. I can assure Senator Waters that we have not been duped by fake science. We have been persuaded by the dozens and dozens of people who, unlike Senator Waters, actually live near wind farms. We have heard from dozens of witnesses. There have been hundreds of submissions. We have heard from dozens of qualified researchers. We have seen admissions by health bodies that more research is needed. I did not have much of an interest in wind farms when this inquiry was first established, but a few things appealed to me: firstly, I have a science background; secondly, it is because it is to do with sound, as I am in musician and so I am interested in sound; and, thirdly, I was a pilot and I have heard quite a bit of evidence from pilots.

The basic tenet of science and one of the founding principles of science is not that you have to prove that something is true; the onus is on science to prove that something is false. For people to say that science has not proven that there has been or that there is a link between wind turbines and health is not the issue at all. One could go back in history and find many examples of new research and groundbreaking scientists—going back as far as Copernicus, Galileo, Einstein and Newton—who came up with theories. In fact, there is a great story of
Albert Einstein from when he came up with his theory of relativity. His colleagues said, 'It's not true. We have a letter here from 100 of your colleagues to say that it's not true.' He responded, 'Why did you bring 100? You only need one. You only needed one scientist to prove that my theory of relativity is not true.'

This report has been absolutely fascinating. The inquiry has gone across the land. This report tabled by its chair, Senator Madigan, records the committee's concerns with, in particular, the issue of infrasound. I had not heard much about infrasound. We all know about audible levels of sound and we know about dog whistles. I hear that term 'dog whistling', which is an inaudible sound at the very high frequency end of the sound spectrum and only dogs can hear it. That is why it is called a dog whistle. It turns out that there is sound at the other end of the sound spectrum. I do not know what particular animal you might summon with a whistle if one could be designed that emitted very, very low frequencies! It is this very low frequency area that has fascinated scientists and acousticians. Apparently, there is very strong evidence from dozens and dozens of people who testify that they have had serious health effects from this.

We have a very basic principle in our court system where a person stands in the dock or stands in the witness box and they give testimony. It is a basic principle that they can say, 'I saw this with my own eyes and this happened to me.' It is not hearsay. It is firsthand evidence. I am persuaded, as groups like the NHMRC are also persuaded, that more research is needed in this area. I have also seen a report from the early 1980s, going back 30 years, making a link between low frequency infrasound and health.

The committee believes that the recommendations in this report are crucial in putting in place regulatory structures and guidance that will set clear, consistent and robust parameters for future wind farm developments. Quite frankly, at the moment, it is a free for all. They are a law unto themselves. We heard evidence from local shire councils who are way out of their depth in attempting to regulate and enforce compliance with planning regulations. We heard from state governments, who also are struggling with having to enforce compliance on wind farms. For the federal government to adopt and establish regulatory structures to set clear, consistent and robust parameters can only be a good thing. These recommendations are intended for implementation federally, but they will direct and guide state and territory governments in their planning approval processes. (Time expired)

Question agreed to.

**BILLS**

**Copyright Amendment (Online Infringement) Bill 2015**

**Tax and Superannuation Laws Amendment (2015 Measures No. 3) Bill 2015**

First Reading

Bills received from the House of Representatives.

**Senator PAYNE** (New South Wales—Minister for Human Services) (16:30): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.

Second Reading

Senator PAYNE (New South Wales—Minister for Human Services) (16:31): I table a revised explanatory memorandum relating to the Copyright Amendment (Online Infringement) Bill 2015 and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

COPYRIGHT AMENDMENT (ONLINE INFRINGEMENT) BILL 2015

The Copyright Amendment (Online Infringement) Bill 2015 amends the Copyright Act 1968 to provide an effective new measure to target widespread online copyright infringement in Australia.

Significance of the creative industries and copyright challenges

Copyright protection provides an essential mechanism for ensuring the viability and success of creative industries by providing an incentive for and a reward to creators.

It is Parliament's duty to navigate an appropriate balance between, on the one hand, creators and owners of copyrighted works and, on the other hand, users and disseminators of copyrighted works. As history records, however, neat distinctions between the membership of apparently closed classes is not clear cut: members of a 'content creator' class might just as easily see themselves, depending on the circumstances, as advocates for wider access to copyrighted works.

What is undeniable is that Australia possesses a proud and valuable content creating sector. Australia's creative industries make a significant contribution to Australia's economy. According to a 2012 report, Australia's creative industries employ 900,000 people and generate economic value of more than $90 Billion, including $7 Billion in exports. The Government will continue to ensure that these industries have adequate protections to enforce their rights.

The internet has created major challenges for copyright protection. Material can be accessed, copied and shared with ease. In many instances this is a good thing and has helped promote education and freedom of speech. But a collateral effect of technological changes of this kind has been to exacerbate an indifference to the rights of copyright owners among some internet users and an expectation amongst some that content should in every respect be free. In many cases of course free access to content is lawful and proper, and as such is provided for expressly under exceptions to infringement in the Copyright Act. Nevertheless, the policy reasons—indeed the philosophical reasons—why society protects intellectual property are platform neutral. They did not change with the invention of the internet.

The flagrant disregard however of the rights of copyright owners is wrong—both legally and morally. In this regard it has become apparent that a gap in Australia's current legislative framework has opened insofar as existing copyright law is not adequate to deter a specific type of current activity: the facilitating of the infringement online of copyright owners content (largely of audio-visual material). Hence Parliament recognises that a specific remedy is required.

There are a number of foreign-based online locations that disseminate large amounts of infringing content to Australian internet users. These online locations are currently able to operate without disruption and profit to a large extent from facilitating the streaming and downloading by end users of infringing copies of audio-visual material. What they do, in unlawfully accessing and then profiting
from the intellectual and artistic endeavours of others, is a form of theft. Some of these online locations are run by criminal gangs who use profits for other illegal purposes.

Rights holders face a number of practical barriers in enforcing their rights. At present, an injunction can only be awarded by a court after lengthy and costly civil proceedings. The widespread scale of infringement means that it is often not viable for rights holders to enforce their rights against individual users.

**New injunctions power**

This Bill will provide a powerful new mechanism to protect the legitimate interests of rights-holders, by enabling infringing material to be blocked by a carriage service provider without the need to establish fault on the part of that provider. Specifically, the Bill will introduce a new provision that allows rights holders to apply to the Federal Court for an order directing a carriage service provider to disable access to infringing online locations located outside Australia.

This type of provision is working well in other parts of the world, such as the United Kingdom, Ireland and Singapore. An injunction is often ordered in these jurisdictions without any opposition from ISPs.

This provision will apply on a no-fault basis against the carriage service provider. This recognises that while carriage service providers are not necessarily responsible for infringing online locations, they are best placed to prevent Australian internet users from accessing them.

The provision will not apply to online locations in Australia, since rights holders can take direct action against these online locations through existing remedies in the Copyright Act.

**Balancing competing interests**

The Bill recognises that there is a need to balance the important goal of protecting our creative industries against other vital public and private interests.

The Bill therefore contains a number of safeguards to ensure that the power is not used to curb these interests.

First, the power is only as broad as it needs to be to achieve its objectives. The provision will only capture online locations where it can be established that the primary purpose of the location is to infringe, or facilitate the infringement of, copyright. This is a significant threshold test which will ensure that the provision cannot be used to target online locations that are mainly devoted to a legitimate purpose.

Second, the court must consider a broad range of factors that reflect competing public and private interests.

The court must consider the flagrancy of the infringement. This provision particularly contemplates online locations that deliberately and conspicuously flout copyright laws.

The court must also consider whether blocking access to the online location is a proportionate response in the circumstances. For example, the court may consider the percentage of infringing content on the online location compared to the legitimate content, or the frequency with which the infringing material is accessed by subscribers in Australia.

Another consideration for the court is the overall public interest. The internet has revolutionised our ability to disseminate information and knowledge. The court must weigh the public interest in access to information against the public interest in protecting our creative industries. These competing public interests must themselves be considered in the wider context of the private interest which it is the principal purpose of this Bill to protect – i.e., the right of content creators to the protection of their intellectual property.

Another important factor is the impact of the application for an injunction on any person affected. This includes, in particular, the carriage service provider.
The court will also need to consider whether there are procedural safeguards to ensure that affected operators of online locations will have an avenue to make their case. The Bill requires the copyright owner to notify the CSP and the operator of an application as soon as practicable. The operator may then seek to be joined as a party to the proceedings.

Consultation
Extensive consultation has been conducted on this measure. On 30 July last year, the Attorney-General and I jointly released the Online Copyright Infringement Discussion Paper for public consultation. A number of submissions directly addressed this proposal.

As a result of this consultation, this measure was modified to give more flexibility to courts in determining whether to order an injunction, to capture future infringing technologies, and to provide more safeguards for carriage service providers, operators of online locations and internet users.

The new injunction power is one measure that this Government is introducing to address online copyright infringement. International experience shows that a range of measures are needed to properly tackle this problem.

The new injunction power will complement the industry code that is being developed by internet service providers and rights holders. When finalised, the code will create an education notice scheme that will warn alleged infringers and give them information about legitimate alternatives. An injunction provision will be even more effective if users are properly educated and warned about online copyright infringement.

Conclusion
The Government is also encouraging rights holders to provide access to their content in a timely and affordable way. The Government accepts that this is an important element in any package of measures to address online copyright infringement. The Government also welcomes recent action by rights holders and expects industry to continue to respond to this demand from consumers in the digital market.

This Bill complements these objectives by ensuring there is fair protection of the rights of content creators, while balancing other competing interests in the online environment. This will be achieved by ensuring copyright holders have access to an effective remedy without unduly burdening carriage service providers or unnecessarily regulating the behaviour of consumers.

TAX AND SUPERANNUATION LAWS AMENDMENT (2015 MEASURES NO.3) BILL 2015
Today I introduce a bill to amend the Income Tax Assessment Act 1997 as a step towards repairing the Budget.

In our first Budget, we announced a plan to repair Australia’s financial situation: a plan that makes important government services sustainable and stops borrowing at the expense of future taxpayers.

This Government is committed to a stronger and sustainable economy. We are committed to prioritising investment and making tough decisions on spending, so that we can redirect funding to where it most benefits Australia.

The measures in this bill will return around $826 million to the Budget over the forward estimates period in fiscal balance terms.

These are important savings for Australia’s Budget, and we believe that the proposed changes are fair and measured.

We inherited from Labor an unsustainable budget position. The former Government's economic management is reflected in the deficits they delivered, the six biggest in Australia’s history — a quarter of a trillion dollars in actual deficits.

Contrast that shameful record with the Howard Government's successful economic management which consistently produced Budget surpluses of 1 per cent of Gross Domestic Product.
Before we came to office, the Coalition recognised that taxpayers could receive better value for money from their Government, and that is what we pledged to do when we were elected.

We have already put a number of measures in place to make good on that promise. They include the savings measures included in our first Budget and our continuing efforts to both place government finances on a sustainable path and improve workforce participation.

They set the scene.

This bill is a further step towards repairing the Budget and providing taxpayers with value for money from the Government.

And the measures we are introducing in this bill contribute to restoring a sound economic framework.

This Government will make sure that our taxation and spending policies meet our needs as a nation and also allow our economy to withstand any adverse, external shocks.

So we will continue to make sure that taxpayers' funds are spent wisely. Australians have every right to expect this from their governments.

There are two measures in this bill.

Schedule 1: Abolish the Seafarer Tax Offset

The seafarer tax offset is a refundable tax offset provided to eligible companies for 30 per cent of salary, wages and allowances paid to Australian resident seafarers who are employed to undertake overseas voyages on qualifying vessels.

Companies are eligible to claim the seafarer tax offset if the company employs the Australian seafarer on such voyages for at least 91 days in the income year.

When the former government introduced the seafarer tax offset, they claimed it would stimulate opportunities for Australia in seafarers to be employed on overseas voyages and to gain maritime skills.

We are abolishing the seafarer tax offset because it is not achieving this policy intent. We will not continue to spend on policies that just don't work.

The repeal of the seafarer tax offset will apply to assessments for 2015-16 and later income years.

Only five certificates were issued by the Department of Infrastructure and Regional Development for companies seeking eligibility to claim the seafarer tax offset in 2014.

The Australian Taxation Office estimates that fewer than five companies will be affected by the abolition of the seafarer tax offset.

The low uptake of the offset may be due to several reasons, including the fact that there are significant differences between Australian wages and conditions in the shipping industry and those of some other countries. The seafarer tax offset is unlikely to be sufficient to address these differences.

Abolishing this offset is expected to return to the Budget bottom line $16 million over the forward estimates period.

And that's another small step towards repairing the budget.

It's also a step towards simplifying coastal shipping regulation in Australia.

Full details of the measure are contained in the explanatory memorandum.

Schedule 2: Reducing the Tax Offsets under the Research and Development Tax Incentive

We are also reducing the rates of the tax offsets available under the Research and Development Tax Incentive.

The rates will be reduced by 1.5 percentage points for all income years commencing on or after 1 July 2014.
Changing the offset will not affect the eligibility of companies for the R&D tax incentive, or the way companies claim the incentive.

Nor will the changes affect the administration of the R&D tax incentive more generally.

The R&D tax incentive will continue to provide generous, easy-to-access support for thousands of eligible companies in all sectors of the Australian economy.

The amendments included in this bill are in addition to the amendments to the R&D tax incentive in the Tax Laws Amendment (Research and Development) Act 2015, which received Royal Assent on 5 March 2015.

In repairing the Budget, this Government will build a stronger economic base — a stronger framework — which will give businesses confidence to invest in the R&D they need to help their businesses reach their potential.

The gain to revenue and savings from this measure will be around $810 million over the forward estimates. This will contribute significantly to the Government's task of repairing the budget — a task which will benefit every Australian taxpayer.

Full details of the measure are contained in the explanatory memorandum.

Conclusion
The measures in this bill are responsible. They represent another instalment in our Economic Action Strategy towards a stronger, better and more compassionate Australia.

This bill might seem like a small chapter in this story — but it's a significant element in reducing our debt. As a Government we recognise that we cannot continue borrowing $100 million every day to pay the interest on Labor's debt.

The measures in this bill will return around $826 million to the Budget over the forward estimates in fiscal balance terms.

These measures represent a careful and measured approach to re-prioritising government revenue.

This Government will continue to make the right decisions to position Australia for future opportunities and challenges.

Debate adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

Imported Food Charges (Imposition—General) Bill 2015
Imported Food Charges (Imposition—Customs) Bill 2015
Imported Food Charges (Imposition—Excise) Bill 2015
Imported Food Charges (Collection) Bill 2015

First Reading
Bills received from the House of Representatives.

Senator PAYNE (New South Wales—Minister for Human Services) (16:32): I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.
Question agreed to.
Bills read a first time.

Second Reading
Senator PAYNE (New South Wales—Minister for Human Services) (16:32): I move:
That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—

IMPORTED FOOD CHARGES (IMPOSITION–GENERAL) BILL 2015

Australia's participation in global markets provides consumers with access to a wide range of food products from all over the world, year round. The range of imported food products reflects the demand of Australian consumers and the diversity of our population.

This government works hard to maintain Australia's access to high quality and affordable food. Having some of the most stringent food standards in the world provides a high level of protection for Australian consumers.

Consumers rightly expect that food imported from overseas meets the same standards of food produced in Australia.

We have biosecurity arrangements that safeguard Australia from unwanted pests and diseases and protect Australia's economy. We also have measures to ensure imported food complies with Australian health and safety standards.

The Imported Food Control Act 1992 allows us to monitor the compliance of imported food with Australian food standards. The Department of Agriculture relies on a risk-based regime of inspecting and testing imported food. Importers operating under recognised food management systems are regularly audited to ensure compliance with food standards.

These arrangements come at a cost. Importers of food need to pay for this.

Having the right cost recovery mechanisms in place will support Australia's capacity to manage public health and safety of imported food. The Australian Government has had a long standing policy of recovering these costs from those people that receive activities related to the importation of food.

In 2014, the Australian Government reaffirmed this policy. Agencies should set charges to recover the efficient costs of activities that they provide.

Consistent with the arrangements that are in place for the imposition and collections of charges for biosecurity activities from the users of the biosecurity system, this bill provides for the same charging arrangements to be established for imported food.

The Imported Food Charges (Imposition—General) Bill 2015 is the first of four bills that will establish the legislative basis that allows for charges to be imposed to recover costs from food importers.

Specifically, the bill will enable cost recovery of activities that provide general benefits to food importers. This bill will enable the recovery of costs for administering the imported food regulatory framework including the development of audit and compliance standards for third party arrangements.

The legislation will sit alongside the existing cost recovery legislation that allows for the recovery of the department's costs for activities provided directly to people such as inspection and audit services.

This legislation is designed purely as a cost recovery mechanism. The legislation requires that the Minister for Agriculture be satisfied that the amount charged will not be more than the likely costs of delivering the activity. This will provide clients with confidence that the government will not over recover the costs of its imported food services.

The bill does not itself set the amount of the charges and will not impose any financial impacts. The charges and who is liable and exempt from paying the charges will be set in regulations.

The legislation has been drafted to be consistent with Australia's international trade obligations. This will also be the case in drafting any delegated legislation.
Three companion bills are being introduced alongside this bill, the Imported Food Charges (Imposition—Customs) Bill 2015, the Imported Food Charges (Imposition—Excise) Bill 2015, and the Imported Food Charges (Collection) Bill 2015.

This package of bills will ensure that appropriate cost recovery mechanisms are in place for all imported food related activities. It provides a flexible and common sense structure for applying cost recovery charges. This supports the important work undertaken by the Department of Agriculture to monitor the compliance of imported food with Australian food standards.

IMPORTED FOOD CHARGES (IMPOSITION–CUSTOMS) BILL 2015

The Imported Food Charges (Imposition—Customs) Bill 2015 is the second of four bills being introduced to form this legislative package.

The Imported Food Charges (Imposition—Customs) Bill 2015 will impose charges only when they are considered a duty of customs. The key provisions of the bill mirror those in the Imported Food Charges (Imposition—General) Bill 2015 and have the same operative function and effect.

The bill does not itself set the amount of the charges and will not impose any financial impacts. The charges and who is liable and exempt from paying the charges will be set in regulations.

IMPORTED FOOD CHARGES (IMPOSITION—EXCISE) BILL 2015

The Imported Food Charges (Imposition—Excise) Bill 2015 is the third of four bills being introduced to form this legislative package.

The Imported Food Charges (Imposition—Excise) Bill 2015 will impose charges only when they are considered a duty of excise. The key provisions of the bill mirror those in the Imported Food Charges (Imposition—General) Bill 2015 and have the same operative function and effect.

The bill does not itself set the amount of the charges and will not impose any financial impacts. The charges and who is liable and exempt from paying the charges will be set in delegated legislation.

IMPORTED FOOD CHARGES (COLLECTION) BILL 2015

The Imported Food Charges (Collection) Bill 2015 is the final being introduced as part of the package to provide appropriate cost recovery arrangements for managing imported food. These arrangements are consistent with the Australian Government's cost recovery policy.

The Imported Food Charges (Collection) Bill 2015 will provide authority to collect charges imposed under the Imported Food Charges (Imposition—General) Bill 2015, the Imported Food Charges (Imposition—Customs) Bill 2015 and the Imported Food Charges (Imposition—Excise) Bill 2015.

The bill provides that the regulations will determine the time allowed to pay charges. It does not itself set the amount of the charges and will not impose any financial impacts.

The regulations under this bill will also outline the liability of a person's agent to pay charges on that person's behalf and establish appropriate late payment fees where charges are not paid in the time allowed.

Specifying such matters in regulations, as opposed to the Act itself, provides the department with sufficient flexibility to ensure that these matters are appropriate in all circumstances.

The bill also provides the Commonwealth with mechanisms to appropriately deal with non-payment. This includes powers to refuse service or to suspend or revoke certificates, compliance agreements or any other approval given under the Imported Food Control Act 1992 until payment is made.

Unpaid charges and late payment fees will be considered debts to the Commonwealth and may be recovered by action in a relevant court.

The bill sets out provisions for the remitting or refunding of charges or late payment fees where the Secretary of the Department of Agriculture believes there is sufficient reason.
Together these four bills being introduced today will ensure cost recovery arrangements for activities provided in relation to imported food are appropriately supported. As mentioned earlier, these fund the arrangements which contribute to the management of the compliance, health and safety of imported food for all Australians.

Debate adjourned.

Biosecurity Bill 2014
Biosecurity (Consequential Amendments and Transitional Provisions) Bill 2014
National Water Commission (Abolition) Bill 2015
Judiciary Amendment Bill 2015
Governance of Australian Government Superannuation Schemes Legislation Amendment Bill 2015

As sent Message from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee

Senator RUSTON (South Australia—Deputy Government Whip in the Senate) (16:34):
On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Macdonald, I present the report of the committee on the provisions of the Law Enforcement Legislation Amendment (Powers) Bill 2015, together with the documents presented to the committee.

Ordered that the report be printed.

MOTIONS
Marriage Equality

Senator RICE (Victoria) (16:34): At the request of Senator Siewert, I move:

That the Senate affirms that people should be able to marry the person they love, in accordance with the principles of equality and personal freedom, to end discrimination, and to support the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex Australians and their families.

… Penny—my wonderful partner—has been absolutely critical in my life achievements. We have shared 28 years of married life—a partnership of love and support. We are proud of our status as a same-sex couple who were legally married in Australia, and I am resolute that all couples should be able to share this right.

Those words concluded my first speech in the Senate in August last year in the presence of my fellow Greens senators and my family, including Penny and our two sons. It was an immensely proud moment for me. But it was also a moment when, once again, the cruel reality of the lack of marriage equality for lesbian, gay, bisexual, transgender and intersex Australians was highlighted. Penny and I are married. In fact, we are probably the only same sex-couple who have been legally married in Australia in this chamber today. Yet, if Penny, as a transgender person, were to officially change her birth certificate, we would be forced to divorce.

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Thursday, 18 June 2015

SENATE

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The law in our country has not caught up with the complexity and diversity of so many relationships within Australian society. The referendum result in Ireland last month was an incredible turning point for our collective humanity. To see a country so united where it had once been so divided is truly remarkable. Yet for us here in Australia it was a stark reminder of how far behind we are. Australia’s lesbian, gay, bisexual, transgender, intersex and queer communities and their families deserve equal treatment under the law and in the community.

Time and time again, the Australian Greens have taken policies to elections affirming our commitment to marriage equality as defined as the marriage between two consenting adults regardless of sex, sexuality or gender identity. We know that it is love that makes a family, not biology, and that so many Australian children living in rainbow families enjoy the same nurture, love and care of their parents, regardless of the gender or sexuality of those parents. The law in Australia must catch up with this reality.

Last week I attended the Australian Human Rights Commission launch of the Resilient individuals: Sexual orientation gender identity & intersex rights national consultation report. This report is groundbreaking, but at the same time heartbreaking. Some of the key challenges faced by LGBTIQ people identified by the report include: a ‘lack of cultural competency and understanding of the distinct needs of LGBTI people in the provision of public services, including education, health and aged care’; ‘poor community understanding and visibility of the distinct issues that affect people on the basis of SOGII status, particularly in relation to gender identity and intersex status’; ‘unacceptably high rates of marginalisation, bullying, harassment and violence’; and, most notably, the ‘legacy of State-sanctioned discrimination is significant in its legitimisation of institutional and interpersonal discrimination across society.’

Governments have had a leading role in creating this culture so must also take a lead role in undoing it. The theme of the role that government can play is further emphasised in the first recommendation made by the report:

To ensure all Australians are treated equally and fairly by the law and government, the following law reform should occur promptly at a Commonwealth level:

1. Amendment of the Marriage Act 1961 (Cth) to equally recognise the partnership of two adult persons regardless of the gender of the partners.

I can add to these recommendations by the Australian Human Rights Commission report on legal change the stories of so many passionate and inspiring people that have been sent to me: stories of children wanting their mums to marry, of dads wanting their daughters to marry, of older gay men, who began their relationships when it was still illegal to be homosexual and who are now desperately seeking this final removal of discrimination, of trans parents seeking legal certainty for their young children and of the straight friends of LGBTI Australians who are putting off their own weddings in an act of solidarity. People have written to me this week with a simple message: they want marriage equality. One person writes:

I want my 4 year old boy to grow up in an Australia that is fair, lawful, united, prosperous and caring. I also want him to grow up in a country that he is free to marry the person he loves, be that a woman or a man.

Another told me:

Equality is a right all those who live in a democracy should be entitled to. Loving is more important than silly, antiquated laws, whose basis is at best, vague.
I want to share a few personal stories that people have sent me from my home state of Victoria. Harry is a 17-year-old gay man who painted a picture of the rich diversity of our Australian society today. When Harry was around 12 or 13 and working out where he fitted on the sexual orientation spectrum, he says that he was fortunate enough to have role models who taught him that being LGBTI is perfectly okay and nothing to be worried about. Harry is still too young to be thinking about marriage, but he shared the stories of three couples he looks up to, and how marriage equality will change their lives.

Harry's uncle has been in a relationship for over 10 years, and has proved that love has no gender or age. The whole family wants them to get married so that they are equal to the rest of the uncles and aunts. Harry also benefitted from the guidance of a queer youth worker. Her partner is a children's librarian, and they want to adopt a child and get married. They desperately want things that heterosexual couples take for granted, and were even looking at moving to Canada or another country to get married, but they decided they could not leave home. Harry says:

It pained me to see these two people who would make the most strong and loving family being denied the chance to live their lives in the way they deserved.

Another two mothers that Harry knows are raising three beautiful children and have had to enter into a very complex legal arrangement to be able to get the same rights as heterosexual couples. Harry describes them as 'the most amazing family'.

It hurts Harry to think that, no matter how strongly committed he might be to a male partner, he is not able to be an equal in Australian society. But now he sees marriage equality as within reach. In year 12, he started a support group for LGBTI students at his school. He says the enthusiasm and positivity shown by students, staff and parents has been incredible. It showed him that nobody should be denied recognition based on who they love or how they identify their gender. It means so much to Harry that the tide has turned and the majority of Australians, and possibly a majority of parliamentarians, are now allies of the LGBTIQ community which he belongs to. He concluded his letter to me:

We can't change the minds of those who don't support marriage equality, but we can give every Australian the rights they deserve.

Wise words from someone so young. Then there is Jenny. Jenny wrote to me with a different perspective but the same sentiment. Jenny has been in a relationship with Maria for over 10 years. She says their relationship is based on a deep love for each other, which is strengthened by mutual respect and love for their child. They run a family business and spend the rest of their time doing all the things that other parents do like school pickups and activities with the kids. Their eight-year-old son often asks why they cannot get married and how much he would like it if they did. This is not a question that he should have to ask. Maria is Spanish. In Spain, marriage equality has been allowed for many years now. It seems completely irrational that they can get married in Spain but not in Jenny's home country of Australia. She ended her story with a plea to all of us:

Please consider the damage that is being done to us as people and, especially, to our son. Please vote for equality.

I also heard from Jeremy Wiggins, a community health worker, a partner and the father of two-year-old twin girls. Jeremy is a transgender man with a birth certificate stating he is
female. He cannot marry his partner because they are, on paper, a same-sex couple. Jeremy wrote to me:

We are the marginalized families that are locked out of the marriage debate. We want for all human beings in Australia to be able to have their love recognized equally before the law, regardless of their gender or sexuality.

I request that you consider that marriage equality is about family values and is about a modern interpretation of what a family or relationship is and that no matter your gender or sexuality, this law should be afforded to all people equally.

I have so many more stories echoing Harry, Jenny and Jeremy's. I thank everyone who has shared their stories with me. Your contribution really matters. The motion we are debating today is for Harry, Jenny and Jeremy, their friends and family and all LGBTIQ people.

The Australian Greens have a long and proud history of standing up for the rights of lesbian, gay, bisexual, transgender, intersex and queer Australians and our families. I believe that collaboration and the development of a cross-party bill is the best way to secure the equality that so many Australians deserve. I am privileged to be the Greens LGBTIQ and marriage equality spokesperson at such a significant time in our nation's history. As I stand here today, I want to thank those who have consistently stood up for equality and to end the discrimination faced by LGBTIQ Australians and their families, including Christine Milne, Bob Brown, Sarah Hanson-Young and Adam Bandt, and I want to applaud those who have now joined the struggle, especially those senators who will today stand up for the first time in this chamber and call for marriage equality. I hope my fellow senators will be considerate this afternoon and allow time for as many of their fellow senators as possible to contribute to this important debate. The partnership of Penny and me shows that love is love and is to be celebrated. The sooner we legislate for marriage equality the better.

Senator O'SULLIVAN (Queensland—Nationals Whip in the Senate) (16:47): I quite deliberately did not prepare the framework of my contribution this afternoon because this issue is so important that I wanted it to be delivered by me as naturally as possibly. I respect the remarks made by the previous speaker and I acknowledge that there are large numbers of people in our community who are anxious in relation to this question. I too had a long and successful marriage—32 years—until I lost my wife. We were blessed with four children from our union, and I can say to this chamber that the institution of marriage was significantly important to us from the very beginning. We entered into a married relationship on the basis that it was a commitment given from each to the other, as a man and a woman, with the primary intention of being blessed, as we were, with the four children that we have and, subsequently, many grandchildren. The quest of marriage as an institution allows a belief that has to do with much more than just the union of the man and the woman. It is naturally accepted that, from there, efforts would be made by that man and woman to have children to celebrate their love and commitment. It does not matter whether you are persuaded by an article of faith, which is the case in my circumstance, or whether you are driven by an argument of nature, a child cannot be delivered without the union of a man and a woman—perhaps through modern techniques. I do not want any inference drawn on those who struggle with issues of fertility in the development of their families.

I said to someone not long ago that, just as I became good and competent at being a father, my children had left home. Just as my wife and I, in different ways, became competent at
looking after our children in their formative years, they got a year older. Then, as we nurtured them through to their teens and became competent at dealing with children of that age—in my case, we were blessed with two boys and two girls—they grew into the next phase of their lives, and so on and so forth until they left the comfort of our home to make their own lives. Indeed, they went on to be married and have children of their own, in the case of three of my children. So as we discuss this, I accept, Senator Rice, the importance of the feelings and the aspirations of same-gender couples who also want to make a commitment of this nature. I urge people making a contribution to this debate to understand that there are other stakeholders in the question. It is not just about the two grown-ups; it is about the children. Again, I do not want anybody to suggest that I am reflecting upon—

An honourable senator: You are! That is exactly what you are doing.

The ACTING DEPUTY PRESIDENT (Senator Smith): Order. The standing orders require senators to be heard in silence.

Senator O'SULLIVAN: the competency or the capacity of same-gender people to raise children. In fact, on a case by case study, there would be arguments that children in the care of same-gender parents—I use the term 'parents' carefully—or a child in the custody of two same-gender adults, in many instances I accept that you could compare and find that for each case where those children are well-nurtured and loved, and developed accordingly, there would equally be 10 man-woman marriage relationships where the children were worse-off. There is no question about that. That is a matter accepted by everybody. As a police officer, I went into hundreds and hundreds of homes where the man and woman, married or not, did not deserve to have those children in their care. So the question is not about the necessary competency. Taking vows in marriage does not reflect the competency of the two adults to provide an appropriate home for children. But developing children have the right to have parents of different genders, in my view. The evidence that Senator Wright failed to—

Senator Rice: Senator Rice!


Senator Lines: But you were right, Senator Rice!

Senator O'SULLIVAN: I do not know what the frivolity is in this contribution of mine—

Senator Lines: I do not know what the seriousness is!

Senator O'SULLIVAN: You do not know what the seriousness is? That is a new low in this place, I would have to say.

Senator Hanson-Young: It is a new low!

The ACTING DEPUTY PRESIDENT (Senator Smith): Order!

Senator O'SULLIVAN: What I do know as a parent—what I did see evidence of in my married parent status—was the contributions made to my children by me as their father, and their mother. I saw my children over their developing life draw different things from each of us. I saw us make different contributions and I have to say, Senator Rice, that I am not persuaded by the view of an eight-year-old child. I could make the case that, perhaps, their considered contribution may well come at some later time in their life. No eight-year-old I have met could fairly consider the complications of this issue. These children deserve the very
best chance to develop in life and to draw upon the strengths of their parents of different genders.

I can quote you much of the correspondence I have been given. You related a dozen or so episodes there of people who have contributed to persuading you to support this legislation. I could, equally, bring some of the thousands upon thousands upon thousands of emails that I have received over recent times from married couples—traditional married couples; men and women—who have urged me as a legislator to resist any moves to change the long-centuries held definition of a man and a woman. It is no accident—again, for me it is an article of faith and for others it is a natural extension—that it takes the man and the woman to create the child. The child, certainly at birth, and for a considerable period of time afterwards, is naturally in a physical sense nourished by their mother. We did not create this. This is an act of nature. But for the many millions of Australians who may well be agnostic on the issue of same-gender couples—let's just for the moment park up sexual descriptions; let's just sit them outside the chamber. Let's refer to two adults who may hold strong affection for each other—I challenge that not.

Many millions of Australians do not want to see the institution of marriage disturbed. At the same time, they are agnostic about measures that might be taken by their legislators, by their governments, or in the progress of public opinion about being able to establish conditions upon which that union may function as a matter of law and equality, without intruding on this long-held institution of marriage.

Four years after the loss of my wife, I met my current partner, Christina. We have now been together for almost five years. We have not, at this point in time, felt the compulsion to get married. Indeed, I would challenge anyone who challenges our love, affection and respect for each other and the commitment that we make as partners in life.

Senator Rice interjecting—

Senator O'SULLIVAN: Dear oh dear, I tell you—through you, Mr Acting Deputy Chair—these quips do your cause no service at all. We do not feel the compulsion to take on the title of marriage, and that does not diminish the relationship that Christina and I have. In fact—be it that we are a widow and a widower—in many respects we still feel married with our partners gone. We are still dealing with the commitments for life that we made—a man to a woman, and a woman to a man.

In closing my contribution—I find it fascinating that someone can be laughing over in the corner on a subject that is probably the most important to have come into this chamber since I have been here! In closing, I say this: this institution has more stakeholders than simply the acronym that has been provided by my colleague. It is for children; it is for children yet to be born who have a right to a mother and a father. They have a right, as nature dictates—or convictions held by others from other sources—to grow up in a balanced environment where they can gain the gifts provided by a father and a mother.

I am in accord with my party's policy on this position. There is no conflict either in the policy of the National Party, in the policy of my state Liberal National Party or indeed in the policy of the federal Liberal Party. If we want to draw upon people's contributions, I represent a party in the state of Queensland that has some 14,000 members who, every day, caucus on matters of importance with people who are not even members of our party—they are family,
they are neighbours, they are employees and they are employers. Their views are filtered down through a whole system—a very fair and democratic system—to arrive at a central point eventually, and some policy settings take many years to develop. So there is strength in the collective argument of their position, in my view. For a very, very long period of time, every time their minds are turned to this question, they have consistently argued and placed policy that marriage is between a man and a woman, and it should remain unaltered.

I stand here representing my party, and my view will remain unaltered, but not as the basis of being a slave to party policy. Mine is simply a deeply held conviction that I have based on my 58 years of life's experience. Accordingly, I recommend my colleagues resist this legislation in this place at this time.

**Senator LINES** (Western Australia) (17:04): I rise to speak in support of marriage equality, and I ask how much longer will LGTBI couples have to wait to be treated as fully equal citizens in my country? I believe in, and I stand for, human rights. I believe in, and I stand for, human dignity. I believe in, and I stand for, fairness. I believe in, and I stand for, justice. For as long as we do not change our laws to enable marriage for all of our citizens, we deny these basic human rights. I believe that children are entitled and have a right to a safe, secure loving environment, however that is provided; whether it is provided by a grandfather, a grandmother, a sole parent, a mother and a father, two men or two women, that is the entitlement of a child.

Australia has always been a leader in fairness and equity: the eight-hour day, the 38-hour week, our arbitration system, outlawing the death penalty, our pension system, our living wage, votes for women, no fault divorce and abortion. Yet, on this issue of marriage equality, we are stuck. We are not an overtly religious country; we have a separation of powers. We are not a conservative country. Yet on this very basic issue of human rights, on marriage equality, Australia is becoming the outlier.

Ireland's recent referendum—an overwhelming 'yes' vote—has reignited passions for marriage equality here in Australia. The conservative voices have been saying, 'Let us have a referendum here,' but of course Australia does not need a referendum to act on marriage equality. Ireland's constitution required a referendum. What is required here is for the parliament to act—for a majority of its 226 elected representatives to vote to support marriage equality. And it seems we are prevented from doing so.

The conservatives are pushing for us to wait. 'Wait for what?' I ask. We have been waiting far too long on this issue. The issue of marriage equality has been on the agenda for more than a decade. Overwhelmingly, Australians support marriage equality—one in every four Australians. Australians who identify as Christians support marriage equality. Fifty-seven per cent of Liberal voters support marriage equality. There is strong support from Labor and Greens voters. The strongest group of supporters are young Australians who have grown up in communities that support and want marriage equality; this group absolutely supports marriage equality, with the support as high as 86 per cent. No matter how you slice the numbers—by age, by voting preference, by religious affiliation—the support is there. But here in the Australian parliament just 226 elected representatives cannot or will not get it done. Given its strong support—86 per cent—amongst young people, the vote for marriage equality is inevitable. But come on—let us make this vote a reality sooner rather than later.
In Ireland just over 62 per cent of the population voted for marriage equality—and this is in a country where homosexuality was still illegal in 1993 and divorce was only legalised in 1996. It has come such a long way in a relatively short period of time, and yet, by comparison, Australia remains stuck, despite community support for marriage equality. It is just the Australian parliament, this place, which continues to isolate itself from the community and state jurisdictions.

State and territory governments have moved as far as they can. In 1994, the ACT was the first jurisdiction to legally recognise the unions of same-sex couples. In 1999 in New South Wales they introduced the recognition of same-sex couples in a variety of legislation. In WA, same sex couples had a de facto status in 2002 and the same in Queensland in 2002. The Northern Territory in 2003 recognised same-sex couples. And in 2004, LGBTI rights laws in Tasmania were described as perhaps the most extensive and noteworthy in the world. In 2007 in South Australia and in Victoria, same-sex couples were recognised. And yet the Australian parliament still remains stuck on this issue, when the state and territory governments have changed all of their laws that relate to same-sex couples. And around the world Australia is being left behind, with marriage equality laws being proclaimed in both progressive and conservative countries, with such laws in Nepal, Slovenia and Paraguay imminent, and, just recently, with Mexican courts ruling out of order the concept of marriage as just between a man and a woman.

So whilst those on the conservative side of politics tell us to continue to wait, I say: wait for what? This issue of marriage equality will not go away. The time to act is now.

I do not understand what the issue is. Marriage as a ceremony can be performed almost anywhere in Australia—in a church, a registry office or a winery, or on the beach. Extending this right, the right of marriage, to the LGBTI community does not change that. It does not affect the partnership between a man and a woman who choose marriage. It does not affect children.

I wanted my children to be brought up meeting people who were different and who had different views from me. I wanted them to be open. And they have a whole range of friends, as have I. That is the sort of upbringing that I wanted them to have—to be open and to choose to do whatever they thought suited them.

As to the relationship between a man and a woman, it is not threatened if we bring in marriage equality. Doing so does not undermine the church. It simply extends the same right of marriage to all. And, like all couples, some will choose marriage and some will not, but let us not deny this right to choose marriage equality any longer.

**Senator MUIR** (Victoria) (17:12): I would just like to quickly thank Senator Hanson-Young for giving up her timeslot for me to read my thoughts into *Hansard*. I am about to read an extract from a speech I recently made in relation to important social issues such as marriage equality and mental health. I apologise to those who have already heard it, but I think it is important for me to put my views on the record here in parliament permanently, forever.

Recently, I had a meeting with a Victorian constituent, Amber, from ReachOut. This meeting was essentially in relation to the spread of the drug ice, how it is affecting local communities and how to prevent the spread of this drug that destroys so many lives. Quickly,
from there, the meeting progressed into a broader discussion covering mental health issues and the services that traditionally had not been available but which now are—although a lot of people are not aware of them.

We put a lot of effort into looking for a cure for mental health issues, but it seems that sometimes the cure could be found by allowing people to know that it is normal to experience different emotions and that it is normal to be different, and to know that you are not alone and that there is help ready and waiting if you chose to seek it and that it is definitely not something to feel ashamed of.

It is said that the No. 1 cause of death for people under 24 years of age is suicide. This is a completely alarming statistic and leads me to the question of what can be done to prevent so many young people taking their lives every year. While I do not have the answer, I encourage everybody in this great chamber to consider this question and to start conversations about it.

I think a good starting point is for us to acknowledge that everybody is different, that we all like different things, that we all have different tastes and that we all lead totally different lifestyles. We need to become more aware and accepting of this and learn to not pass judgement so quickly, to embrace each other's differences and to be respectful of them. An issue that is prominent at the moment is this issue of marriage equality. I have heard both sides of the story and read many emails and articles in relation to it. I understand that everybody has a different view and I am respectful of that. Beyond Blue has recently revealed that rural same-sex couples are six times more likely to suffer from depression, anxiety, self-harm or suicidal thoughts. For me, especially being a rural person, this greatly concerns me as I honestly believe that a life in the most remote corner of our great country is just as important as a life anywhere else.

Marriage equality is an issue that seems to arise around election cycles, and it would seem that the hopes, aspirations and wellbeing of many Australians are used for political point-scoring. This, alone, was the very reason I have actually kept my views in relation to marriage equality quiet until now. The next election is set for a bit later in 2016, but you just never know around this place. Instead of waiting for an election cycle and using this issue to gather votes rather than outcomes, I thought it would be better to come out with my views now. On Wednesday, 10 June, I attended a mental health information night hosted by ReachOut.com in the rural town of Heyfield in Gippsland, Victoria. On that night, I publicly declared my position on marriage equality and put my view on the record. It was an interesting place to put my view on the record, being a rural town. I did not know if five people or 200 people were going to turn up or if I was going to be presented with protesters. But I thought the issue was that important that I was happy to put my view on the record there.

It is said that country people are not yet ready for this change, but many rural folk of all different backgrounds tell me that they are. They are people like myself. Since making my stance public—and it got well-known on social media—the majority of my emails and my correspondence and the people I have spoken to since are still in support. The ratio by far outweighs the people who are speaking negatively about it. There are many people living within rural communities who are already in happy, meaningful and fulfilling same-sex relationships. There are also many people who are completely aware of and supportive of this who are in heterosexual relationships. I do not think it is up to large lobby groups or political parties to tell us what we are or are not ready for. The reality is that the majority of people...
that I have spoken to or who have contacted me seem to overwhelmingly accept the lifestyles of others and do not feel threatened by a change to the Marriage Act.

When I stood as a candidate for the AMEP, one of the core values of the party that stood out to me was that we believe in minimal government interference. The topic of marriage equality is a standout example of how I interpret this value. We know that people can be attracted to the same sex through no choice of their own and that they are born this way. We know that people hold on to this feeling and even try to hide it for many years—even for a whole lifetime—and I have a massive amount of emails from such people saying so. We know that homosexual people force themselves to be in heterosexual relationships, which can cause marital issues further down the line.

We know that same-sex couples are still at times perceived in public in a way that can cause great amounts of stress and depression. But does it really affect any of us if the Marriage Act is amended to allow marriage equity? In my view, no, it does not. It will just give those who are already in a same-sex relationship or who are genuinely attracted to the same sex the option to have their union recognised, the same as everybody else, if they choose to get married. It does not mean everybody in a same-sex relationship is going to run off and get married. It just gives them that option to get married if they choose to do so and to be recognised, just like the rest of us. It will not affect those who are in a heterosexual relationship, but it will, hopefully, be a step in the right direction in accepting that we are not all the same and that all people have the right to live their lives without judgement.

I am not a religious man. However, I was raised around religion, and some of those values have stuck with me through the years. Values such as: if you cannot say something nice say nothing, be respectful, be forgiving. But the one that always stands out to me—and, apparently, was a commandment—is not to judge. I am a family man. I ride dirt bikes, camp and four-wheel drive. I race cars and I love getting my hands dirty. I love to live my life without judgement, and I like to return that favour. If marriage equality were put to a conscience vote and my vote were the deciding vote, a change to the Marriage Act would occur. If a decision to put the question to a plebiscite were to be on offer, I would support this too to allow the people of Australia to make their vote count. In conclusion, as I said in Heyfield that night, I am proud to put on the record my support for marriage equality, and I am even prouder to stand here in this chamber and say so.

Senator WILLIAMS (New South Wales) (17:20): I rise to speak on this subject, and I will just point out that Senator Lines said that 62 per cent of all the Irish population voted for the same-sex marriage referendum. Just 33 per cent of the voting public of Ireland rolled up for that vote—a bit over three out of 10. They have optional voting, and those were the statistics. I just want to correct that record from Senator Lines.

This is where I stand on this issue that the parliament will deal with in good time: in my travels around the state, the issue of same-sex marriage has rarely been raised with me. In fact, I have never had anyone come into my office in Inverell to raise their point of view one way or another.

Senator Cameron: No gays in the village!
Senator WILLIAMS: Senator Cameron interjecting reminds me that I heard the other day that he is writing nursery rhymes these days for the children. They start off: 'Once upon a time and a half …' That is how he starts his nursery rhymes. But we will not go there.

The Greens and their allies get their supporters to bombard parliamentarians email accounts, and we get plenty of emails from both sides. But out in the regions, from Tweed Heads to Maitland and out to Broken Hill, their main concerns are jobs, maintaining services and getting a good drop of rain. Thankfully, talking to a friend at Wilcannia this morning, they have just had three inches of lovely rain out there. It is the best rain for a long time.

I want to go to Tamworth tomorrow night, and back home to Inverell on Saturday. I doubt if one person will come up to me and want to talk about same-sex marriage. They will want to talk about the China-Australia Free Trade Agreement, which was signed yesterday and is the result of excellent work by the Minister for Trade, Andrew Robb, and the Minister for Agriculture, Mr Barnaby Joyce. It is a great deal for rural Australia in particular, for the beef industry, the dairy industry, the lamb industry, the wine industry and many others. This agreement is significant for every person in Australia, because it makes our farmers competitive in our biggest export market. We get our competitive edge back that the New Zealanders have, a competitive edge against the EU, Canada and the USA.

The Greens claim they are friends of the farmers, so why did they shut down the live cattle trade? It is quite amazing. Why did they oppose my recent motion in this place congratulating the New South Wales government on its commitment to addressing the ridiculous native vegetation laws that are stifling food security? Instead of same-sex marriage, the business people of Tamworth and Inverell will be telling me what a magnificent small-business package this parliament has just passed.

I am disturbed by some of the things that are going on in this whole debate. I take offence that if you actually support the retention of the definition of marriage you are considered in some way to be homophobic. I looked up the definition of homophobic, and it says 'showing an irrational hatred, disapproval or fear of homosexuality, gay and lesbian people or their culture'. I take offence to that accusation against those who do not support same-sex marriage. I have friends who are gay and in same-sex relationships. In fact, one that I know very well, and my colleague Senator Nash also knows very well, says that he does not support changing the Marriage Act. He does not support it at all. It seems that those of us who do not support changes to the Marriage Act 1961 are branded as homophobic, and I think that is just unfair.

I was amazed when a document from His Excellency Archbishop Christopher Prowse was dropped off at my office yesterday. One of my concerns is that, if a bill for same-sex marriage does pass both houses here, what will it do to people in the churches—the priests in the Catholic Church, the ministers in the Anglican Church, and the other denominations—if they refuse to marry same-sex couples, because of their strong religious beliefs? Will they be sued for discrimination? That is one concern I really have. The state should never intervene with the church as far as the rules of the church go. When people in the church do the wrong thing, of course the state must intervene.

I will give you some examples from this booklet I was reading:
In Colorado and Oregon, courts have fined bakers who refused on religious or conscientious grounds to bake wedding cakes for ‘same-sex weddings’; in New Mexico a wedding photographer was fined for refusing to do photography for such a ceremony; and in Illinois accommodation providers have been sued for not providing honeymoon packages after ‘same-sex weddings’.

What will the ramifications for court actions if this is to proceed? I will go on:

In New Jersey an online dating service was sued for failing to provide services to same-sex couples, and a doctor in San Diego County was prosecuted after refusing personally to participate in the reproduction of a fatherless child through artificial insemination.

The courts are really getting busy, aren’t they. British MPs have threatened to stop churches holding weddings if they do not agree to conduct same-sex marriages. This is quite scary. Returning to this page here:

The Deputy Chief Psychiatrist of the state of Victoria was pressured to resign his position on the Victorian Human Rights and Equal Opportunity Commission after joining 150 doctors who told a Senate inquiry that children do better with a mum and dad; in several US states and in England psychologists have also lost positions for stating that they favour traditional marriage or families based thereon.

Businessmen, athletes, commentators, teachers, doctors and nurses, religious leaders and others in several countries who have spoken in support of traditional marriage have been vilified in the media, denied employment or business contracts, and threatened with prosecution.

What is going on here? The institution of marriage has been around for thousands and thousands of years, in the Catholic Church, the Jewish religion, the Buddhist religion, the Islamic faith—you name it. In many respects those who wish to keep the status quo are being vilified, as per some of those examples I read out to you.

I support traditional marriage between a man and a woman. I will always support that. I will always believe that the best environment for rearing children is with a father and the mother—as those witnesses I quoted said at the Senate inquiry. I will not be changing my position. I have friends who are gay and I respect what we have done in this country with equal rights—Senator Lines stated some of those mistakes. If you are a politician in a same-sex relationship I believe your partner should have the same rights and entitlements in this place as my wife. I believe if you are going to have separations and split ups in de facto relationships, the division of superannuation and assets should be done for same-sex relationships in the same way it is done for the traditional marriage of man and woman. I believe people in same-sex relationships should be treated equally.

I am not homophobic. As I said, I have friends who are gay. I actually sat at a dinner last Saturday night with two gay men at a table with me and we talked for a long time. But I do believe the tradition of marriage should be retained as between a man and a woman.

I know in some countries they are vehemently protesting about changes. Some of the Islamic countries do not have tolerance for same-sex couples. Some time back now I was talking to a member of the Department of Foreign Affairs and Trade who had spent some time in Turkey. In our discussions, I asked this person: ‘What’s the situation with same-sex people in Turkey?’ The reply was: ‘Officially, there are none.’ That is the belief of their country. It is for them to believe that. I do not wish to comment on that. What I am saying is that many Asian countries, Islamic countries and others support traditional marriage. I believe that should be retained. But, if this legislation were to pass at some stage in the future, what are
we going to do to protect the people who represent their religions—the priests, the ministers et cetera? If they refuse to marry a same-sex couple because of their beliefs and religion, because of the laws of their church, are they going to be sued for discrimination? These are the things that will come up if this legislation does pass at some point.

I repeat that I support the traditional definition of marriage as being between a man and a woman. That is what I believe in. That is where I stand. I will never change.

Senator CAMERON (New South Wales) (17:30): I welcome the opportunity, once again, to stand in this chamber and express my support for marriage equality in this country. I respect the contributions that have been made by each of the speakers before me here today, but I must say I am not persuaded by the arguments from Senator O'Sullivan or Senator Williams in relation to marriage. Just for the record, when Senator Williams was saying that no-one in Inverell would talk to him about marriage equality, I interjected, 'No gays in the village!' Well, there would certainly be gays in Inverell; there would certainly be gays in Tamworth; there would be gay, lesbian and transgender people in most country towns around this nation.

My interest in this area is not of long standing, not like some of the debates that have been going on in here for a long time. When I became a senator just over six years ago, I received a telephone call from one of my constituents in Greystanes, in the western suburbs of Sydney. That constituent was a woman with a gay son who pleaded with me to give her son the right to marry. She put to me her son’s history—being brought up and educated in a public school in the western suburbs of Sydney, facing homophobic ridicule and violence. It was heartbreaking to listen to what had happened to that individual Australian.

I then had another such encounter when I was in Albury-Wodonga for a committee hearing. A middle-aged man approached me when I was having a cup of tea at the local cafe. He recognised me and he said, 'Hello, I just wanted to indicate to you that there's this debate about marriage equality. I'm gay, I've lived in Albury-Wodonga all of my life, I've suffered all this discrimination; I've got a partner, I've been in a relationship for over 10 years, I would like you to support my right to marry my partner.' This reinforced my views that discrimination has no place in this country—absolutely no place.

I understand the position that Senator O'Sullivan is putting, but I vehemently disagree with some of the conclusions that he has come to. You see, I am an atheist. I do not believe in God. And I think what has been missed out in this debate is the role of the church in trying to deny some of our fellow Australians equal rights in this country.

I received some correspondence from the Most Reverend Anthony Fisher. He is the Archbishop of Sydney, in the Catholic Church. I did not ask him to write to me, but he wrote to me anyway. He wrote to me about the proposed vote on same-sex marriage. At the top of the letter, under what must be the insignia of the Archbishop of Sydney, there is the line 'Speaking the truth in love'. The letter goes on to tell me that the debate we are having is 'in the context of the Irish referendum'. Well, Archbishop Fisher, the debate is not in the context of the Irish referendum. The debate is in the context of human rights. The debate is about people having access to the same rights as others in this country. It is not about what happens in Ireland. It is not about what happens in Spain. It is about what happens in Australia and the need for everyone in Australia to have the same rights.
The last time we had this debate, I remember being told about the 'sanctity' of marriage—again, putting marriage in a religious context—and that you are not really married unless you have a marriage sanctified by the church. That is a load of tosh. That is not correct. It does not apply to many, many millions of people in this country, and nor does the proposition that you marry to procreate, that you marry to have children. That does not apply to many, many people in this country. For medical reasons, for reasons of choice, these are issues that do not enter the heads of some Australians who are married.

It is my view that we should remove one of the last vestiges of discrimination against gay, lesbian and transgender people—that is, we should give them the right to marry someone they love. In the archbishop's letter about marriage, it says:

The Christian tradition teaches that every human being is a unique and irreplaceable person, created in the image of God and loved by him.

Well, Archbishop, if God loves a gay Australian, if God loves a transgender Australian, if God loves a lesbian Australian, why can't those Australians marry if they love each other? I just cannot understand the hypocrisy from the church on this matter. It is not everyone in organised churches around Australia who takes this view, but some do to the extent that you have got the Catholic Church writing to me and writing to the other politicians basically trying to stop changes that provide human rights to all Australians. I do not see that as the role for the church. I do not have a problem with people being religious; that is their right. But their religion should not end up forcing a view on me or on society that is wrong.

The view that the church takes, that you must be heterosexual and that you must procreate before you can have a marriage under the sacraments, in my view is nonsense. I do not accept it, and I cannot understand it. If people in the Catholic Church, or people in any religion, want to maintain their traditions, their sacraments, their views on marriage, no-one wants to disturb that. Senator Williams raised the straw man about churches being forced to marry gay couples. Churches will marry gay couples in Australia, let me tell you that. Eventually that will happen, but no-one will force them to do it. The legislation that is before the House of Representatives does not do that; what it does is basically provide rights to people who deserve the same rights as everyone else.

I just cannot accept the proposition that the separation of church and state that we should have in this country should not apply when it comes to people's right to marriage. It should apply. There should be a separation of church and state. I come in here for prayers every morning when the Senate is sitting. I do not pray, because I am an atheist, but the tradition is that you come to pray. It is a tradition that, if we are real about the separation of church and state, we should get rid of. But that is the tradition, and I come—I do not pray, but I come here for the ceremony and for the tradition.

But marriage is not a tradition. It is not a ceremony that has stayed the same over centuries. Marriage was used to gain social status. Marriage was used to stop wars. Marriage was used for many things that had nothing to do with people's religious beliefs or people's traditions, and we now hear about this inviolable position of marriage—well it is not true. Marriage changes constantly and traditions change constantly. I simply want a tradition in this country where if gay people want to marry they can marry. Senator O'Sullivan talks about being married for 32 years. I think that is a great thing. I have been married for 44 years. My marriage is not inferior to anyone else's marriage because I did not get married in a church.
My marriage is not inferior because it was not done under sacraments. My marriage has been for 44 years and it is a marriage based on love. I have the right to a marriage based on love, and that should be the right of every Australian.

I support the proposition that this parliament, both the Senate and the House of Representatives, should deal with this issue. We should not run away from it and say there has got to be a plebiscite. The rules have always been there that we can change it, and we should change it for the better. We should change it so that every Australian is treated equally, so that every Australian is treated fairly and so that every Australian has the same right as everyone else, and that means that they should have the right to marry whether they are gay or lesbian. That is what I support, and the sooner we do it, the sooner we will become a mature country, recognising the human rights of all of our citizens.

Senator MILNE (Tasmania) (17:42): I rise tonight to support the proposition that there should be no discrimination in Australia on any basis. We should not discriminate on the basis of gender, race, religion or sexuality. I can tell you that, when I was first elected to the Tasmanian parliament in 1989, people could be jailed for 21 years for being gay. Tasmania had the worst laws in the country at that time. We campaigned strongly to end that, and I am very proud of the fact that in 1997 it was my private member's bill that achieved gay law reform in Tasmania. We put up with an awful lot of ignorant statements about what it would do in Tasmania if that were changed, and of course none of that came to pass. It was a great strength because it brought society together and it started to end discrimination. We have had discrimination for a very long time. We used to have a situation where interracial marriages were banned. That was deemed to be some sort of appropriate way to behave, and eventually we got rid of that. I had hoped that we would get to the point of having an end to discrimination on any basis in Australia by the turn of the century, but actually we are 15 years beyond that and we should be moving on it now.

One of the proudest moments I have had in recent years was marching with my gay son at Mardi Gras a few years ago. I marched on the PFLAG float—PFLAG stands for parents and families of the LGBTI community. The reason I marched with them is that I wanted to make a strong statement to those young people, particularly throughout rural and regional Australia, and say to them that there are people in this federal parliament who do not believe in discrimination who think those young people have the same rights as everybody else, that human rights mean something, that equality under the law means something, that love is love and that we do not make a decision or judgement about one person's love for another being less or more. Love is love and we should be celebrating the fact that people love each other enough to want to commit to each other by going through a marriage ceremony.

So I stand here very strongly committed to marriage equality in Australia. I want to see that happen as soon as possible. I have two boys. One of them was able to marry and one of them is not. How can that be just in Australia? As a mother, why should I not be able to attend the weddings of both of my sons? Why is that unacceptable? For people to talk about their own marriages, great, I am glad. But that does not preclude other people having the same opportunities to marry.

It is not a justification to discriminate against other people because you like the way your marriage is and do not think that anybody else should be able to have the experience of being able to be married to the person they love for whatever reasons you think. That is why I have
never believed that a conscience vote is the way this should go because it is an issue of discrimination to me. Nevertheless if this is the way that we will get it through then this is the way that we will do it. But it does not strike me as appropriate that if, as a political party, you do not believe in the discrimination against women, for example, why would you support discrimination against somebody on the basis of their sexuality? That does not make sense.

I am proud to have been part of a long movement that has supported marriage equality and an end to discrimination in Australia. I say to all of those young people out there who might be suffering because they know they are being discriminated against and who find it difficult in the communities in which they live: take heart, stay strong because the day is coming when we will end this discrimination in Australia, and we will be able to celebrate as the Irish have done recently, as people throughout the world have done. I look forward to that day and I will be there with that community around Australia that just want to say, 'Discrimination has no place in this country, love is love and we look to being part of celebrating that.'

Senator BACK (Western Australia) (17:47): I rise this evening to contribute to the debate and to place very firmly on the record that I concur fully with the definition of marriage as outlined in the Marriage Act 1961—that is, marriage is a union of a man and a woman to the exclusion of all others, voluntarily entered into for life. In response to the comments made by Senator Milne, it was only this week in this place that we recognised, on the motion of, I think, Senator McEwen, the 40th anniversary of the signing of the Racial Discrimination Act 1975. It is against the law in Australia to discriminate not only on the basis of race, but that, of course, as we know, has been well and truly extended.

It was in 2009 in this parliament that discrimination was removed in relation to same-sex couples and I propose to go through the four bills that gave effect to the conclusion of discrimination. If people feel discriminated against, they have rights under the law and they have redress under the law. What were those bills?

The first was the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008. The effect here was in relation to PAYG instalment, tax system payments for small business for unclaimed superannuation and changes to various income tests determining a person's eligibility. The bill allows a same-sex couple to be recognised as being in a de facto relationship if they have a registered relationship under state or territory law. It strengthens the provisions over the superannuation bill which recognised registration as indicative of being in a de facto relationship and of course it removed any of that discrimination that would have occurred in relation to areas under its auspices, including superannuation.

The second is the Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008, the second bill which removed discrimination. What it does is extend the federal jurisdiction under the Family Law Act 1975 to include financial matters arising out of the breakdown of de facto relationships, including both opposite sex and same-sex relationships. Consistent with government policy, the legislation will not discriminate between opposite sex and same-sex de facto couples—nothing in the legislation does so.

The third is the Evidence Amendment Bill 2008, which proposed amendments to the Evidence Act in relation to recommendations of the Australian Law Reform Commission, the New South Wales Law Reform Commission, the Victorian Law Reform Commission and the
Uniform Evidence Act. Therefore, a defendant's spouse or de facto, a parent or child of a defendant are included as protected witnesses, removing discrimination.

The fourth is the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008. The bill's first element, in a wider set of changes, was to end discriminatory treatment of same-sex couples in Commonwealth laws. The Senate committee which inquired into the bill combined consideration of this bill with its consideration of the family law amendment bill and the evidence amendment bill. All three included provisions designed to treat same-sex relationships in a similar manner to married and de facto relationships.

Let me make the point very, very strongly if I can. In this country, it is illegal to discriminate. Therefore, if a person in a same-sex relationship feels they are being discriminated against, they have the protection of Australian law to go and have that case heard. Therefore, I want to make the case very, very strongly that marriage, in my mind, is between a man and a woman, but this of course does not preclude, has not precluded, should not preclude and will not preclude other people in same-sex relationships from entering into unions, but they just do not meet the definition of marriage.

I have made the comment before in this place that there are 76 of us who enjoy the title of senator. There are not 77 and not a whole stack of other people out there. Are we in some way advantaged? No. Are others discriminated against because they are not called senator? No. But the term senator has a meaning. It has a legal framework and reference. It has historic connotations. We know that if you are an Australian citizen, you do not have a criminal record, you are silly enough stand and expose yourself and your family to this and willing to spend 80 odd hours a week either doing what we do or travelling, then you too can place as forward for selection, preselection or however you get here. If you are one of the 76, you are entitled to call yourself a senator. The day that you submit your resignation to the President of the Senate, you are then no longer eligible to call yourself by that title.

There is nothing unusual about titles, except to say in this circumstance that there are also criteria by which a person—a couple—can be referred to as married. That is what I support. In no way at all do I have any difficulty. I have friends in same-sex relationships. I have friends with children in same-sex relationships. I admire them. They very, very good parents. But in my mind, they are not eligible to be married. That is where my stance on the situation is.

Another point of interest is in terms of Aboriginality. We have a circumstance in Western Australia at the moment where a young man is at the Yongah Hill detention centre, which is to be called the Northam army barracks when I was a young man in Northam. This person would appear to be a Pacific Islander, but he is claiming to be a man of Aboriginal descent. There is great dispute and debate going on at the moment. In fact, Aboriginal elders are saying, 'We've never heard of him. We can't understand any circumstance in which he would be able to be that.' The simple fact of the matter is that this is another circumstance in which there are certain criteria by which a person defines themselves, for example, as being of Aboriginal or Torres Strait Islander descent. I cannot call myself a person of Aboriginal or Torres Strait Islander descent because I do not fit the criteria. I am not being discriminated against as a result of not meeting that criteria. The simple fact is that I do not. Here again is
this young gentlemen and there are those measures in which he is attempting to have himself defined in that way.

In the time available to me, I just want to make a couple of observations. A person wrote to me today. In fact, people write to us every day on this topic, don't they? One person wrote talking about bigotry, hypocrisy and all sorts of other things. This gentlemen seems to write us most days of the week. I do not have a lot of credence for what he has to say because I do not think there is very much of value, but he has the entitlement to have his say in terms of how we should be determining these issues. On the other side, a farmer from Victoria saying that he is sick and tired of being called a bigot simply because he holds an opinion based on—in his mind—history, which is that marriage should remain between a man and a woman to protect the children they create through their relationship. Therefore, that is the point he makes. I say this again: the reason that I raise them both is because both sides of the argument have their right in our country to have their say. There are not many things I agree with Senator Cameron on, but one of them is that I am absolutely unmind by what has happened in other countries and in other states, like the United States, Ireland or whatever. Those matters are totally irrelevant to our country. We will determine what is happening here.

One of the areas I decided to have a look at, because it has been put to me by people on one side or others of the argument, is that it is about the welfare of the child. I heard some debate go on earlier in this session this afternoon about the child and the rights of the child. I made it my business to actually see if there was anything definitive written. In the few minutes left to me, I want to reference the comments of a Dawn Stefanowicz, who is an internationally recognised speech and author. She is a member of the Testimonial Committee of the International Children's Rights Institute from Canada. She was presenting on 24 April. It the title of her commentary was 'A warning from Canada: same-sex marriage erodes fundamental rights'. These not my words; these are her words.

She is one of six adult children of gay parents who recently filed briefs with the US Supreme Court asking the court to respect the authority of citizens to keep the original definition of marriage, to which I have referred. She makes the point that:

I also live in Canada, where same-sex marriage was federally mandated in 2005.

She goes on to describe—and she describes it more fully in her book, entitled Out From Under: The Impact of Homosexual Parenting—the difficulty that she has as an adult child from that relationship. She says again that she does not like to go public, because:

... we often face ostracism, silencing, and threats.

But what she does want to point out in her piece on 24 April is the consequences that have played out in Canada for 10 years. They are, to use her words, 'Orwellian in nature and scope'. She says that:

In Canada, freedoms of speech, press, religion, and association have suffered greatly due to government pressure. The debate over same-sex marriage that is taking place in the United States could not legally exist in Canada today. Because of legal restrictions on speech, if you say or write anything considered "homophobic" (including, by definition, anything questioning same-sex marriage), you could face discipline, termination of employment, or prosecution by the government.

Is this relevant to us in Australia? I do not know. Canada is a country with which we often likened. We are both, if you like, recipients of the Westminster system of law. We are fairly similar in many ways. The point that she is making very, very strongly is that children do
need protection and should be considered in the circumstances. She makes the point that parents can never replace the missing biological parent or parents. She says:

Over and over, we are told that "permitting same-sex couples access to the designation of marriage will not deprive anyone of any rights."

She goes on, but I do not have time in my 15 seconds left to outline what she says. I can say to you that what she writes is well worth consideration. I know that this is a debate that is to be had. It needs to be had maturely and we do need to consider all aspects of the argument.

Debate interrupted.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator SMITH (Western Australia) (18:00): As a Liberal senator for Western Australia, one of my primary roles has been to support a regulatory structure that best guarantees strong competitive markets for WA's wheat growers, which is why I have taken a keen interest in the committee's report and specifically in the bulk wheat port access code of conduct.

The crops of Western Australian wheat growers are grown in some of the harshest conditions in the world, constantly facing the threats of drought, hail, frost and bushfires. Yet, despite these hardships, Western Australian wheat growers continue to produce the largest wheat crops in Australia, with over 90 per cent exported throughout the world. They are also unique because, prior to 2008, Western Australian wheat growers were compelled by legislation to sell their wheat through the single desk. For over 70 years the monopoly control of the Australian Wheat Board limited the ability of Western Australian wheat growers to obtain fair, competitive prices for their wheat.

In 2012, the wheat farmers of Western Australia stood united in support of the repeal of the Wheat Export Marketing Act to allow the full deregulation of their market. However, as is mentioned in the report, there remain concerns from many parties over two issues—the endorsement of a mandatory port access code that does not contain a sunset provision and the introduction of an exemption for cooperatives. Firstly, the concern amongst WA wheat growers is that the decision to abandon the sunset clause increases the risks of a future reversal of the repeal legislation. Any future reversal would jeopardise the tremendous gains achieved in Western Australia by its wheat growers, who fought long and hard for the deregulation of their industry.

Secondly, the cooperative exemption could have a dampening effect on competitor investment in my home state of Western Australia and on the Western Australian grains industry, especially for terminal and up-country infrastructure. Critical to this point is the impact of the exemption on the efficiency of any future investment in the Western Australian grains network. This is an issue I raised directly with the Chair of the Australian Consumer and Competition Commission at the Senate Rural and Regional Affairs and Transport References Committee inquiry into Australian grain networks on 15 February 2015.
In Western Australia, 90 to 95 per cent of grain is handled by Co-operative Bulk Handling, or CBH, which also happens to be the only grain cooperative in Australia. CBH controls 100 per cent of the port throughput and 48 percent of WA bulk exports. CBH has a monopoly on both upstream and port-side storage and handling, including WA's four main export terminals.

During the inquiry, CBH CEO Dr Andy Crane stated that CBH creates value for growers by lowering freight costs throughout the supply chain. Dr Crane stated that the CBH system allows growers the option to grow and run CBH as a centralised storage and handling network and obtain prices from a large selection of marketers rather than utilising supply chains owned by individual owners who will offer only a single price. Dr Crane also stated that deregulation of bulk handling cooperatives in South Australia, and the fragmentation of the supply chains of the eastern states, have driven up freight costs in other states compared to freight costs in Western Australia.

While the committee may be persuaded of the unique nature of cooperatives, I have reservations over the decision to grant an exemption to the code of conduct on the basis of cooperative structures and in particular the performance of cooperatives and their impact on innovation, growth and competition within agricultural markets generally and specifically in the case of the grains industry. That said, my concerns and reservations over cooperatives should not be taken as a criticism of CBH or its grower members, who have done an outstanding job in fighting for the deregulation of the wheat industry.

Legal and Constitutional Affairs References Committee

Report

Senator WRIGHT (South Australia) (18:05): I move:

That the Senate take note of the report.

As the Chair of the Legal and Constitutional Affairs References Committee, I am very pleased to speak to the tabling of the committee's report entitled *Ability of Australian law enforcement authorities to eliminate gun-related violence in the community*. The majority report of this committee is a sensible, considered look at the issue of illicit firearms in Australia and ways to monitor their prevalence and prevent their use.

Then we have the highly politicised minority report, co-signed by Liberal Party and National Party senators together with Senator David Leyonhjelm. It is an ideological document which does little to address the terms of reference of this inquiry but everything to promote the gun industry and shooters. Their report—disingenuously titled *Report by a majority of senators attending the inquiry*—omits and avoids the most pertinent evidence and presents spin and convoluted logic that would be more at home in the United States. In fact, it seems to have been directly lifted from the extreme National Rifle Association's playbook.

I will state again for the record that the focus of this inquiry was on illicit firearms in Australia, with consideration of registered firearms only in so far as they are a source for the black and grey markets. Let me start by acknowledging, that many firearms owners abide by firearms laws in Australia. They are decent Australian citizens who own and use a firearm in compliance with the law. However, it would be naive to suggest that all registered firearms owners abide by the law all of the time, or that no firearms owners have relationships with or connections to people who seek to use firearms for illicit purposes. We also cannot ignore the
issues with the current firearms regulation scheme which became very evident in the course of the inquiry.

The committee's real majority report made a number of recommendations, and anyone who has read them and considered the evidence upon which they are based will see that they are logical and sensible—designed to respond to the evidence and make Australia safer. It is a central finding of this inquiry that more needs to be done to address gun crime in Australia and that all levels of government need to be better resourced and to work together better to reduce crime caused by illegal weapons. As such, some of the majority recommendations included: a rolling gun amnesty; nationally consistent regulation of firearms laws; and continued monitoring of the risks posed by 3D-printed weapons.

One of the most alarming themes to emerge from this inquiry is that no-one is really sure how many illicit firearms there are amongst the more than three million guns in Australia. With estimates of around 260,000 illicit firearms in Australia, the majority of the committee accepted the Australian Crime Commission's evidence that this a conservative estimate. We consistently heard that a staggering lack of reliable data and national inconsistencies are hampering our ability to better understand and address the black and grey markets. On the basis of this evidence, the majority of the committee made further important recommendations for additional funding to allow programs such as the National Firearms Monitoring Program and the Firearm theft in Australia series to continue on an ongoing basis. We also recommended funding for the Australian Institute of Criminology to conduct a review of current data collection and reporting arrangements. The Australian Greens believe that better data and getting all levels of government speaking the same language and sharing information will help tackle the illicit firearms trade and make our streets safer. It is a straightforward position.

What is not at all straightforward, and in fact it is completely bewildering to me, is the position of the minority senators on this issue. Throughout the inquiry they challenged the evidence about illegal guns and questioned the data at every point. But then they opposed any further funding for new research and new, more reliable data. At 1.213 of their report, they specifically stated that the Australian Institute of Criminology 'should not receive additional funding for further research programs.' Why would it be that Senators McKenzie, Leyonhjelm, Reynolds and Macdonald do not want any further research into where illicit firearms come from? Could it be that every single agency that has looked into this issue has come up with information they do not like? Despite this, Senator McKenzie, in particular, has insisted on making claims about the evidence, and about me, that have now been fact-checked by ABC Fact Check and found to be baseless. Anyone who is interested can easily find the conclusions of that vigorous process which looked at the claims of Senator McKenzie.

The evidence is clear: firearm theft from registered owners is a significant contributor to the number of illicit firearms on Australian streets. Like it or not, it is true. Indeed, a report by Customs found the Australian illicit firearms market is predominantly comprised of firearms diverted from licit domestic sources. Firearms tracing found that less than one per cent of firearms traced were illegally imported. This finding is broadly backed by research from the Australian Crime Commission and the Australian Institute of Criminology. But these rogue senators insist that the majority of illegal guns come across the seas! They recite the term
'porous borders' many times. You will not find them backing the collection of data that could establish whether this is the case or not. Why could that be?

I want to acknowledge that international gun trafficking is a serious concern and there is more that can be done on this front. There is no doubt about it. But it would seem naive to think that we can only address illegal gun crime by looking at importation. I do not think the minority senators on the committee are naive at all. I think they are being wilfully blind, and it is clear that they have certain political and personal reasons for doing so. The so-called 'majority of senators attending the inquiry' are self-proclaimed barrackers for the gun industry and shooters. I have no issue at all with politicians standing up for their constituents. But I do draw the line at deliberately distorting facts, misrepresenting evidence and personally attacking those who do not agree with them. It is a disservice to the Australian public and ultimately discredits the arguments that they make.

Unlike others, the Australian Greens believe in addressing gun violence from every angle. We need to tackle this issue at our borders and in our community. I had thought the majority recommendations—the recommendations made by me and the majority on the committee—were straightforward, sensible and uncontroversial. I genuinely did. So I was extremely surprised to see coalition senators on this committee blatantly prepared to put the interests of the gun lobby ahead of everyday Australians. Their report represents a significant about-face in the coalition's approach to gun ownership and crime. They are in closer agreement with the extreme views of Senator David Leyonhjelm than the views of John Howard. In their report they set out to undermine the view that the Howard-era gun buyback policy was a success, and they recommend further deregulation of the firearm industry. When the coalition came to government, they assured us all we would not see any softening on gun laws as a nod to Senator Leyonhjelm's crossbench power. But these coalition senators are not just nodding; they are prostrating themselves before the gun lobby. Inexplicably, they even challenged the findings of the Prime Minister's own investigation with the New South Wales government into the Sydney Martin Place siege and the recommendations it made to enhance state and federal cooperation on gun crime.

In closing, I want to thank the secretariat of the Legal and Constitutional Affairs References Committee, and Leah Ferris in particular, for working their usual magic, organising and collating, in this case, masses of evidence and negotiating a difficult and protracted committee process with grace and patience. Special thanks must go to secretary Sophie Dunstone, who went above and beyond to get the report over the line. Thank you also to those who made submissions and gave evidence at the hearings, even those who were hostile to the very idea of a Senate inquiry into illicit firearms in Australia and consistently questioned the legitimacy of inquiring into what the Australian Greens believe is a public interest matter.

I would like to conclude by saying that illegal weapons have caused terrible tragedies in almost every Australian capital city in the last few years. The Australian Greens firmly believe that more can be done to reduce gun crime. We have made a number of those recommendations in this report; and there are more recommendations, such as the banning of semi-automatic handguns, in our policy documents online. We are firmly committed to getting illegal guns off our streets and making our communities safer.
Economics References Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator EDWARDS (South Australia) (18:16): I want to speak briefly on report No. 21 on affordable housing. It is good that Senator McLucas is in the chamber. She was involved heavily in this inquiry. I will speak about that later. This is the report of the Senate Economic References Committee inquiry into affordable housing. Housing has an incomparable role in the Australian economy because housing constitutes most people's single biggest asset and the largest purchase most of us will embark upon in our lifetimes. The problem of affordable housing and homelessness is vitally important to the government also because it is vitally important to all Australians. I accept that this still remains a problem for all us. Access to affordable housing is vital for our society and, indeed, any society—we have all travelled and seen the various levels of housing. I saw and inquired into affordable housing when I was on a recent trip to Singapore. I looked at the way the government there accesses superannuation and provides it for housing. That is very interesting and it has obviously provoked the recent press reports about accessing superannuation. So I have looked at this. It is vital for an individual to have affordable housing, and I know it is a hot topic now. And it is obviously vital for family happiness and the cohesion of any society.

The committee was provided with a high-quality submissions and evidence at all of the hearings I was involved in. The competitiveness of the housing sector down the east coast is something of a problem. It is not so much a problem in my and Senator Ruston's home state of South Australia, though I must say that it is still a problem. The comprehensiveness of the evidence presented to the committee, as well as what is included in this report, reflects the efforts of those participants. I thank the secretariat for their hard work during such a long-running inquiry. I would like to acknowledge Senator McLucas's dedication to the issue and to the inquiry in particular. You approached this in a heartfelt and genuine way, and I certainly appreciated working with you in the time I was on that references committee. Thank you.

Government senators have considered the committee's recommendations in good faith and judged those recommendations against their stated goal of improved housing affordability. The government has clearly expressed a plan to reduce red tape, to reduce the regulatory burden, for individuals, businesses and community organisations. I do not think it is a secret to anybody in this chamber or to anybody listening that we went to an election in 2013 looking for red-tape reductions. Unfortunately, we cannot reach into the state governments, but clearly there is an issue there. I urge state governments to have a look at their planning regulations and the way in which they go about releasing land in an effort to provide that relief to affordable housing.

As I said, we have an agenda, clearly expressed, to reduce that red tape and the regulatory burden for individuals, businesses and community organisations. Cutting existing red tape and limiting the flow of unnecessary regulation is a high priority and has been considered in analysing the recommendations in the report. However, in the view of coalition senators, many of the report's recommendation simply do not constitute the best responses to the
housing affordability challenge. It is the view of coalition senators that the recommendations will not address many of the problems the report itself identifies. Labor's recommendations, including implementation of an additional ministerial council, statutory bodies and special policy units, as well as the instigation of a whole new Senate inquiry, simply will not help first home buyers to buy houses. Labor's recommendations would only help Labor's efforts in making political mileage out of an issue on which the government is already hard at work.

The Commonwealth government's reform of the federation white paper will specifically address housing assistance and homelessness. The white paper process seeks to complement and, I emphasise, not duplicate the analysis provided in a number of other reviews that more fully address broader housing affordability pressures. Specific reform proposals across the range of government activities, including housing and homelessness, will be identified in the green paper which, I believe, is due to be released now. The government has a clear approach to regulation and to reducing the regulatory burden for individuals, businesses and community organisations.

Labor's report largely fails in its pursuit of housing affordability answers. We are after the answers. We are all seeking that. I genuinely believe that.

Senator Cameron: Get a good job; get good pay!

Senator Edwards: I do not need anything from you, Senator Cameron, through you, Mr President. Just don't. Meanwhile, the government is actively solving this problem on this basis: the coalition senators support eight of the recommendations within the report. Through you, Mr President, I am sorry, Senator McLucas, that we could not have a unanimous report. I know that that was your wish. I looked at it very hard and long in terms of those wishes. But, in light of the red-tape issues, we felt that we had to put the additional comments in that we did.

Debate adjourned.

AUDITOR-GENERAL’S REPORTS

Report No. 37 of 2014-15

Debate resumed on the motion:

That the Senate take note of the document.

Senator Cameron (New South Wales) (18:26): This is an audit report, No. 37, Performance audit: Management of Smart Centres' Centrelink telephone services, under the Department of Human Services.

Before I go to the detail of the report, I want to place on record my thanks for the work that the retiring Auditor-General, Ian McPhee, has done for Australia and for good government in this country. Certainly, the office of Auditor-General is, I suppose, one of the most feared offices in the bureaucracy, because of the overview that the auditor does on the operation of the public service. I also congratulate Mr Grant Hehir on his appointment as the new Auditor-General. I think he will have many interesting times looking at various government audits moving forward.

This report indicates that the Smart Centres in Centrelink are some of the most complex and unique organisations in the country. The report indicates that Centrelink is like no other organisation and it draws attention to work that is done in the private sector in places like
Qantas and in the public sector in the tax office. It says that the uniqueness and the technical complexity of Centrelink is nowhere repeated anywhere in the economy. I think that is why, when we had the audit report for the incoming coalition government, the audit actually indicated that people would have to be very careful of any arguments to privatise Centrelink. I am not supportive of any privatisation of Centrelink, but we do need to deal with some of the complex issues that Centrelink faces.

I am not of the view that we should be describing citizens who use Centrelink as 'customers'. They are not customers; they are citizens accessing their rights in this country. The issues that have been raised are that there is an average of 16-minute wait for telephone responses within Centrelink, and the average for abandonment of a call is about nine minutes and 42 seconds. So, people will wait for nine minutes and 42 seconds when what I would describe as the pain threshold kicks in and people abandon the call. There were 12.9 million calls abandoned according to the Auditor-General, and 13.7 million callers were blocked to try to manage the system. There are real problems in terms of dealing with citizens who access Centrelink in this country. These extended wait-times are a problem.

The Auditor-General recommends that Centrelink should change current measures such as performance indicators in this area. The report draws attention to the Australian Taxation Office where their key performance indicator is to have 80 per cent of calls answered within five minutes. That would be a significant performance improvement if we could fix the issue within Centrelink. The problem we have in Centrelink is that we are now relying on electronic forms of dealing with citizens. We puts apps in and we are asking more and more citizens to engage with the government through the electronic focus of apps and other electronic areas. We are hoping that that will reduce the call wait-time.

One of the interesting things I found was that the Auditor-General's report said that, overseas, simply relying on apps and other electronic forms of communication with citizens does not necessarily mean that you will have a reduced number of people wanting to engage either through the telephone, through the old handwritten postage system, or through face-to-face engagement. The international experience is that some of these apps and some of these electronic processes to deal with problems in areas like Centrelink actually mean more face-to-face requirements because people get confused in their use of some of the electronic areas. There are some demographics in this country who do not use electronic means at all such as many pensioners, many of the older communities, and many working-class communities where they cannot afford the latest smartphones. There is still a problem. The recommendations are that we have a strategy where citizens can access a range of channels to deal with their Centrelink related issues, that there should be a coordinated approach within Centrelink to deal with the issues, that we have proper quality assurance, and we review the key performance indicators.

There are a range of challenges that I will not go into tonight, but the response from Human Services is that they would accept a couple of the recommendations. They agree with the recommendation to improve coordination. They agree with the recommendation for quality call-listening processes. They have agreed, with qualification, on the issue to change the key performance indicator. I do not see what that qualification should be. I have asked the secretary of the department to indicate what these qualifications are and why the Department of Human Services cannot have similar performance indicators to other government
departments and other private sector entities in terms of call wait-time. Call wait-time is driving citizens in this country mad when they have to deal with Centrelink inquiries. It creates problems for the frontline public servants. It creates problems for the people that are engaging and are totally frustrated. We cannot have millions of callers blocked. We cannot have millions of calls go unanswered because that is not quality service to the citizens of this country.

There is a proposal that the new computer system will answer all of the problems. Over time the new computer system, with the various channels that will be implemented through the computer system, will fix the call-wait time. Given the international experience I am not sure of that, and that is something that we will need to give some serious consideration to. What we will also need to do, I think, is ensure that citizens in Australia have access to a range of channels. If they want to choose to use face-to-face Centrelink business with their government, they should have that right. They should have the right to be able to have contact through written letters, the old snail mail, if that is what they want to do. If they want to use an app or electronic processes, that is fine. We should not kid ourselves that this new investment will solve all the problems.

I understand there are five tranches of investment being put forward by Human Services on this new computer system. The budget papers show that there is no commitment to anything other than the first tranche of payment to do some work, which will be about ensuring people are not rorting the system, and that is fine and I agree with that. There are another four tranches that we need money for. We need to know that the system will be modernised. We need to know that citizens in Australia will have access to the best technology and the best advice when they are dealing with Centrelink. I seek leave to continue my remarks.

Leave granted; debate adjourned.

COMMITTEES
Consideration

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


Legal and Constitutional Affairs References Committee—Incident at the Manus Island Detention Centre from 16 February to 18 February 2014—Government responses to interim and final reports. Motion of Senator Siewert to take note of documents called on. On the motion of Senator Ruston the debate was adjourned till the next day of sitting.

to take note of report called on. Debate adjourned till the next day of sitting, Senator Ruston in continuation.

Community Affairs References Committee—Impact on service quality, efficiency and sustainability of recent Commonwealth community service tendering processes by the Department of Social Services—Interim report. Motion of the chair of the committee (Senator Siewert) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Public Accounts and Audit—Joint Statutory Committee—Statement on the 2015-16 draft budget estimates for the Australian National Audit Office and the Parliamentary Budget Office. Motion of Senator Smith to take note of document agreed to.

Environment and Communications References Committee—Environmental biosecurity—Report. Motion of the chair of the committee (Senator Urquhart) to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.


Environment and Communications References Committee—National Landcare Program—Report. Motion of Senator McEwen to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.


Economics References Committee—Privatisation of state and territory assets and new infrastructure. Motion of Senator McEwen to take note of report agreed to.

Finance and Public Administration References Committee—Domestic violence in Australia—Interim report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

National Broadband Network—Select Committee—Second interim report. Motion to take note of report called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Education and Employment References Committee—Principles of the Higher Education and Research Reform Bill 2014, and related matters—Report. Motion of Senator Bilyk to take note of report agreed to. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

National Disability Insurance Scheme—Joint Standing Committee—Progress report—Implementation and administration of the National Disability Insurance Scheme—Government response. Motion of Senator Siewert to take note of document called on. Debate adjourned till the next day of sitting, Senator McEwen in continuation.

Foreign Affairs, Defence and Trade References Committee—Report—Korea-Australia Free Trade Agreement—Government response. Motion of Senator Bilyk to take note of document agreed to.

Environment and Communications References Committee—Report—Environmental offsets—Government response. Motion of Senator Bilyk to take note of document called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Abbott Government's Budget Cuts—Select Committee—First interim report. Motion of Senator Bilyk to take note of report called on. On the motion of Senator McEwen the debate was adjourned till the next day of sitting.

Legal and Constitutional Affairs References Committee—Incident at the Manus Island Detention Centre from 16 February to 18 February 2014—Interim and final reports. Motion of Senator Bilyk to take note of report called on. On the motion of Senator Ruston the debate was adjourned till the next day of sitting.

Community Affairs References Committee—Extent of income inequality in Australia—Bridging our growing divide: inequality in Australia—Report. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Orders of the day nos 11, 13 to 15, 17 to 19 and 24 to 26 relating to committee reports and government responses were called on but no motion was moved.

AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:


Auditor-General—Audit report no. 37 of 2014–15—Performance audit—Management of Smart Centres’ Centrelink telephone services: Department of Human Services. Motion of Senator Bilyk to take note of document debated. Debate adjourned till the next day of sitting, Senator Cameron in continuation.

Orders of the day nos 2, 6 to 14 and 16 to 23 relating to reports of the Auditor-General were called on but no motion was moved.
The ACTING DEPUTY PRESIDENT (Senator Sterle) (18:45): I propose the question:
That the Senate do now adjourn.

Bartels, Mr Greg

Senator WILLIAMS (New South Wales) (18:36): I rise tonight to speak about a great Australian, Mr Greg Bartels. Greg was born on 28 June way back in 1926. He enlisted in the Royal Australian Naval Reserve at the age of 17 in 1943. He tried to get in before that, putting his age up, and finally got there at the age of 17. Greg served on HMAS Shropshire in the Pacific, was promoted to officer rank and achieved the rank of Sub Lieutenant in 1947, when he was demobilised. Greg joined the Commonwealth Public Service and was prominent in university student affairs, including becoming president of the National Union of University Students way back in 1952.

Greg joined the United Nations Secretariat, where he served for over 16 years and was responsible for the Freedom from Hunger campaign in Australia and New Zealand and for the negotiation of a treaty between the United Nations and Japan for the employment of Japanese nationals in the UN Secretariat. He served four years as Treasurer of the United Nations International School Council. He returned to Australia in 1969 and became the first Commissioner for Consumer Affairs and the first Commissioner for Trade Practices, a dual appointment. Greg became senior manager with the British Tobacco Company and occupied directorships with WD & HO Wills and Amalgamated Films. From 1978 to 1981 Greg was the general secretary of the New South Wales Liberal Party. He spent some time with the Association of Independent Schools and then was Director-General of the Institute of Directors in Australia until his retirement in 1991.

He had a distinguished career as Commissioner of the Local Government Grants Commission and Convenor of the Law Foundation of New South Wales. Greg was heavily involved in community activities. He enjoyed coaching and refereeing rugby union and was very much involved in the Catholic Church, golf, the RSL and the North Sydney Area Health Board and was a councillor on Willoughby Shire Council, including two years as mayor. Greg Bartels contributed to many organisations and the community over a long time.

Greg passed away on 7 May—last month. That is a sad passing for his family. In about 1955 Greg married his lovely wife, Jill, who, sadly, passed away about eight years ago. They had four daughters—the eldest, Kerry Chikarovski, a well-known character in the Australian media and politics. The next was Robyn, a lovely girl, and, sadly, just a few months ago I attended Robyn's funeral. She fell victim to that terrible disease pancreatic cancer. And there is Julianne and the youngest daughter, Michelle. When you meet Michelle you never forget her, for her sapphire-blue eyes. They were a great family, and Greg was a great Australian. He worked hard, studied hard, gave to his community and served his country in defence of our nation. Recently he underwent several operations. The first one had gone pretty well just a few months ago, but that was not the case in the end, and after about three lots of surgery I think Greg just adopted the attitude of, 'Well, it's time to go and meet up with Jill again.' He was a good Australian who was a great husband, a great community man and a good father, and his legacy will live on for many, many years. I pay tribute to you, Greg Bartels, for what you did for our nation.
Senate adjourned at 18:40

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.]


Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination—No. 10 of 2015 [F2015L00806].

Financial Sector (Collection of Data) Act 2001—
- Financial Sector (Collection of Data) (reporting standard) determination No. 1 of 2015 – SRS 001.0
  - Profile and Structures (Baseline) [F2015L00807].
- Financial Sector (Collection of Data) (reporting standard) determination No. 2 of 2015 – SRS 114.0
- Financial Sector (Collection of Data) (reporting standard) determination No. 3 of 2015 – SRS 160.0
  - Defined Benefit Matters [F2015L00809].
- Financial Sector (Collection of Data) (reporting standard) determination No. 4 of 2015 – SRS 160.1
  - Defined Benefit Member Flows [F2015L00810].
- Financial Sector (Collection of Data) (reporting standard) determination No. 5 of 2015 – SRS 161.0
  - Self-Insurance [F2015L00811].
- Financial Sector (Collection of Data) (reporting standard) determination No. 6 of 2015 – SRS 250.0
  - Acquired Insurance [F2015L00812].
- Financial Sector (Collection of Data) (reporting standard) determination No. 7 of 2015 – SRS 320.1
  - Statement of Financial Position [F2015L00813].
- Financial Sector (Collection of Data) (reporting standard) determination No. 8 of 2015 – SRS 330.2
  - Statement of Financial Performance [F2015L00814].
- Financial Sector (Collection of Data) (reporting standard) determination No. 9 of 2015 – SRS 331.0
  - Services [F2015L00815].
- Financial Sector (Collection of Data) (reporting standard) determination No. 10 of 2015 – SRS 410.0
  - Accrued Default Amounts [F2015L00816].
- Financial Sector (Collection of Data) (reporting standard) determination No. 14 of 2015 – SRS 540.0
  - Fees [F2015L00817].
- Financial Sector (Collection of Data) (reporting standard) determination No. 15 of 2015 – SRS 600.0
  - Profile and Structure (RSE Licensee) [F2015L00818].
- Financial Sector (Collection of Data) (reporting standard) determination No. 16 of 2015 – SRS 601.0
  - Profile and Structure (RSE) [F2015L00819].
- Financial Sector (Collection of Data) (reporting standard) determination No. 17 of 2015 – SRS 602.0
  - Wind-up [F2015L00820].
